THE

Parliamentary Debates

22731

FROM

THE YEAR

1803

TO THE PRESENT TIME:

FORMING A CONTINUATION OF THE WORK ENTITLED "THE PARLIAMENTARY HISTORY OF ENGLAND FROM THE EARLIEST PERIOD TO THE YEAR 1803."

PUBLISHED UNDER THE SUPERINTENDENCE OF

T. C. HANSARD.

VOL. XIV.

COMPRISING THE PERIOD

FROM

THE ELEVENTH DAY OF APRIL

TO

THE TWENTY-FIRST DAY OF JUNE

1809.

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LIST OF HIS

MAJESTY'S MINISTERS,

FROM

JANUARY TO JUNE 1809.

CABINET MINISTERS.

Earl Camden	President of the Council.
Lord Eldon	Lord High Chancellor.
Earl of Westmoreland	Lord Privy Seal.
Duke of Portland	First Lord of the Treasury (Prime Minister).
Lord Mulgrave	First Lord of the Admiralty.
Earl of Chatham	Master-general of the Ordnance.
Earl Bathurst	President of the Board of Trade.
Lord Hawkesbury	Secretary of State for the Home Department.
Right Hon. George Canning	Secretary of State for Foreign Affairs.
Lord Castlereagh	Secretary of State for the Department of War and the Colonies.
Right Hon. Spencer Perceval	Chancellor and Under-Treasurer of the Exchequer, and also Chancellor of the Duchy of Lancaster.

NOT OF THE CABINET.

Right Hon. Robert Saunders Dundas	President of the Board of Controul for the Affairs of India.
Right Hon. George Rose	Vice-President of the Board of Trade, and Treasurer of the Navy.
Sir James Pulteney, Bart.	Secretary at War.
Lord Charles Somerset	Joint Paymaster-general.
Right Hon. Charles Long	
Earl of Chichester	Joint Postmaster-general.
Earl of Sandwich	
William Huskisson, esq.	Secretaries of the Treasury.
Hon. Henry Wellesley	
Sir William Grant	Master of the Rolls.
Sir Vicary Gibbs	Attorney-General.
Sir Thomas Plomer	Solicitor General.

Persons in the Ministry of Ireland.

Duke of Richmond	Lord Lieutenant
Lord Manners	Lord High Chancellor.
Sir Arthur Wellesley	Chief Secretary.
Right Hon. John Foster	Chancellor of the Exchequer.

THE

Parliamentary Debates

During the Third Session of the Fourth Parliament of the United Kingdom of Great Britain and Ireland, and of the Kingdom of Great Britain the Twenty-first, appointed to meet at Westminster, the Nineteenth day of January, 1809, in the Forty-ninth Year of the Reign of His Majesty King GEORGE the Third. [*Sess.* 1809.

HOUSE OF COMMONS.

Tuesday, April 11, 1809.

[MINUTES.] On the motion of Mr. Huskisson a new writ was ordered for the borough of Eye, in the room of the hon. H. Wellesley, who had accepted the Chiltern Hundreds.—Mr. Campbell moved that a new writ be issued for a member to serve for the borough of Air, &c. &c. in the room of col. John Campbell, deceased.—On the motion of Mr. H. Martin, it was Ordered, 1. That there be laid before this house an Account of the Fees received at the Privy Council office from the 25th of March 1808 to the latest period to which the same can be made up, and of the application thereof, shewing the receipts and payments of every quarter, and specifying the amounts paid for the salaries and establishments of the said office, and the sums paid into the receipt of his majesty's Exchequer: 2. An Account of the gross produce of the Fee Fund belonging to the several offices of his majesty's secretaries of state for the foreign, home, and war departments, during the years respectively ending on the 31st of Dec. 1807 and 1808, specifying the amounts received in each year, and the application thereof: 3. An Account of the gross produce of the Fee Fund belonging to the office of his majesty's secretary at war, during the years ending respectively on the 31st of Dec. 1807 and 1808, specifying the amounts received in each year, and the application thereof: 4. An Account of the gross produce of the Fee Fund belonging to the office of the lords commissioners of his majesty's treasury, during the years respectively ending on the 31st of Dec. 1807 and 1808, specifying the amounts received in each year, and the application thereof.—The Chancellor of the Exchequer said, that previous to the recess he had given notice that he would on an early day move for the revision of a motion made by an hon. admiral (sir C. Pole) for the printing of the Report of the Commissioners of Naval Revision, and a notice on that subject stood for this day. He had, however, conversed with the hon. baronet on the subject since he came into the house, and understanding from him that he would be contented with the Report itself, without the Appendix, which was very voluminous, he should have no objection to the hon. admiral's motion to that extent. He could not, however, avoid mentioning the vast expence which the public was put to in the article of printing the Papers of that house. Certainly every member had a right to any paper laid on the table of that house, and where the whole, or part was actually necessary for the due investigation of any matter to be brought before the house, it was right such papers, or parts of them, should be printed for the general use and advantage of every member's being in possession of the subject: he hoped however, that gentlemen would duly consider how far any paper was really essential before they moved for the printing of them.—Sir C. Pole said, that he was never more surprized than when he saw the statement of the right hon. gent.

who had just sat down, that the printing the Report he had moved for, would cost from 15 to 20,000*l.* He had no idea of incurring even the twentieth part of that expence. But as that was a Report of gentlemen who had been chosen to revise the acts of others who had been previously appointed to enquire into the transactions of a most important department, he thought the printing the Report would be highly necessary: but as he found the Appendix was so very voluminous, he was willing that the order made on the motion, which he had brought forward on a former night, should be discharged, and a fresh order made, comprehending only the Report, which was accordingly done, and a new order made, that the Report be printed without the Appendix.

[Papers relating to Spain and Portugal.]—Mr. Secretary Canning presented the following

PAPERS
relating to SPAIN and PORTUGAL.

No. I.—*Extract of a* Letter *from Sir John Moore to Mr. Frere. Dated, Salamanca, 27th Nov.* 1808.

The conversation which Mr. Stuart states you to have had with the [ ] and the remonstrances with which you have followed it, are perhaps as much as can be done by you in your situation. The effect produced upon the and the measures which he said were determined, are very good, if we were looking to events six months hence; but the situation in which we are, calls for something more efficient and energetic; Madrid is threatened, the French have destroyed one army, have passed the Ebro, and are advancing in superior numbers against another, which from its composition and strength promises no resistance, but must either retire or be overwhelmed; no other armed force exists in this country; I perceive no enthusiasm or any determined spirit amongst the people. The French cavalry, even in parties so weak as eleven or twelve men, enter the villages in Leon and the neighbouring provinces, and raise contributions without opposition.—This is a state of things quite different from that conceived by the British government, when they determined to send troops to the assistance of Spain. It was not expected that these were to cope alone, with the whole force of France, but as auxiliaries to aid a people who were believed to be enthusiastic, determined and prepared for resistance. It becomes therefore a question, whether the British army should remain to be attacked in its turn, or retire from a country, where the contest, from whatever circumstances, is become unequal.—I wish to throw no responsibility off myself, which properly belongs to me; the question is not purely a military one, but belongs as much to you as to me to decide upon it. Your communications with the Spanish government, and the opportunities you have had of judging the general state of the country, enable you to form as just an estimate of the resistance which is likely to be offered; you are perhaps better acquainted with the views of the British cabinet; and the question is, what would that cabinet direct, were they upon the spot to determine? It is of much importance that this should be thoroughly considered. It is comparatively of very little consequence, in whom shall rest the greatest responsibility; I am willing to take the whole or a part; but I am very anxious to have your opinion. The movements of the French give us but little time for discussion. As soon as the British army has formed its junction, I must, upon the supposition that Castanos either is beaten or retires, march upon Madrid, and throw myself into the heart of Spain, and thus run all risks, and share the fortunes of the Spanish nation, or I must fall back upon Portugal: in the latter case, I fall back upon my resources in Lisbon, cover a country where there is a British interest, act as a diversion in favour of Spain, if the French detach a force against me, and am ready to return to the assistance of the Spaniards, should circumstances again render it eligible.—By marching into Spain, I detach myself from my resources, and should probably be able to take with me a small portion of the military stores I have brought forward; in which case I should not be equal for a time to much contest, but every thing would be sent from Lisbon to Cadiz, and from thence join me. The movement into Spain is one of greater hazard, as my retreat to Cadiz or Gibraltar must be very uncertain; I should be entirely in the power of the Spaniards. But perhaps this is worthy of risk, if the government and people of Spain are thought to have still sufficient energy and means to recover from their defeats, and, by collecting in the south, be able, with the aid of the British army, to resist, and finally to repel the formida-

ble attack which is prepared against them. It is impossible not to wish that the Spaniards may be at last successful in a struggle which does them so much honour. They are a fine people. But I much fear the opportunity is now passed, and no effort they are likely to make will be sufficient, or in time to stand the armies they must engage. Upon this subject however I cannot be very decided, and shall be most happy to find myself mistaken.

No. II.—*Extract of a* Letter *from the right hon. J. H. Frere, to Sir John Moore. Dated Aranjuez, 30th Nov.* 1808.

With respect to a retreat upon Portugal, I wish to confine myself to a simple political opinion, which, supposing other considerations not to be decidedly adverse, might, I think, determine for a retreat upon Gallicia or the strong country in the neighbourhood of Astorga in preference to Portugal, supposing of course a retreat to be already determined upon as absolutely necessary. If, however, you do me the honour to consult me respecting the general state of the country, and the means of resistance to be expected from it, I should say, that the provinces which you have hitherto seen, are, of all Spain, the least distinguished for a military spirit.—In the course of the late events they have been wholly passive, and have seen their country occupied successively by the stronger party; and indeed it is difficult to blame them; living in open towns in vast plains, without either arms or horses, they have neither the means of defence or escape. But even here we see that the towns have been abandoned at the approach of the French; that no magistrate has ever been brought over to take an oath of allegiance, nor have the French been able to enlist a single soldier. The whole of this country however has in all ages belonged to the party which was superior in cavalry. In the extremities of the kingdom, weaker powers have been enabled to preserve their independence for ages.—From every thing that I can learn of the disposition of the other provinces, they seem to be possessed by the most ardent and determined spirit, which, even in the event of the defeat of the levies which they are raising for the general defence of the kingdom, would lead them individually to continue a desperate resistance under the direction of their separate Juntas, with such assistance as England could afford them.—But it must, I apprehend, be the wish and intention of government on every account to prevent things from being brought to this extremity. There seem to be two modes of acting with this view, one which you state justly to be of greater hazard, inasmuch as we place ourselves effectively in the power of the Spaniards. But, as you observe at the same time with great truth, this may be worthy of risk, if the people of Spain and their government have sufficient energy to recover from their late defeats. Of the people I have no doubt; the government are new, but they are resolute, and I believe every man of them determined to perish with the country; they will not, at least, set the example of weakness and timidity, which the ruling powers and higher orders in other states in Europe have exhibited.—The military system is certainly defective; but I am persuaded that your representation, in this as well as all other points, would be listened to with the greatest deference.—If you should determine to march into Spain, exclusive of the importance of covering the capital, there are, I think, these advantages which would result from hastening the measure. We have now in Castile an army of 20,000 men, upon which Castanos is falling back; the reinforcements are daily passing through the provinces; and the addition of the British would give a force very much, I should think, superior to any thing which the French would be able to assemble by that time, especially having a strong country in arms against them on their left, the whole way from the Pyrenees. There is besides at present a great delay in the arrival of the reinforcements which were promised them, and which, if they had been sent, would by this time have composed an enormous force. There are reports, that the resistance to the conscription has been much more obstinate than usual, and the pastoral letter of the bishop of Carassone seems to imply as much.—Every great effort on the part of France has been preceded by an interval of weakness or internal disturbance; an advantage therefore which should be obtained at this moment would be of double importance, inasmuch as it would render a conscription for a third attempt upon Spain infinitely difficult. If on the other hand, the French with their present forces are allowed to maintain their present advantages, and to wait the completion of their conscription, they would pour into Spain with a num-

ber of troops, which would give them the immediate possession of the capital and the central provinces; the war would then be reduced to an absolute competition between the two countries in standing out against the waste of population, enormous as it would be on both sides. I cannot but think, therefore, that considerations both of policy and generosity call upon us for an immediate effort.—If, however, this view of the subject should not appear sufficiently clear or conclusive, to induce you to take a step which would, I am convinced (since you do me the honour to refer to me on that subject), meet with the approbation of his majesty's government, I would venture to recommend retaining the position of Astorga. The retreat from that place to Corunna would, as far as an unmilitary man may be allowed to judge, be a matter of less difficulty than through Portugal to Lisbon; and we might in that position wait for the reinforcements of cavalry from England, which would enable the army to act in the flat country, which opens immediately from that point, and extends through the whole of Leon and Old Castile.—I have already troubled you with my political reason on this head. I mention this however, in my humble opinion, only as the least objectionable of two modes of retreat. The object, I should conceive, would be to unite a force capable of repulsing the French, before they receive reinforcements. The covering and protecting Madrid is surely a matter of great moment for effect in Spain, and much more in France and in the rest of Europe; it would be a point of the utmost importance for Buonaparté to be able to publish a decree or to date a letter from Madrid. The people of the town are full of resolution, and determined to defend it in spite of its situation, which is judged to be an unfavourable one. This determination ought to be encouraged by a show of support. The siege of Madrid by a pretender to the throne, would be a circumstance decisive against his claim, even if in other respects it had been a just one.

No. III.—*Copy of a* Letter *from the right hon. J. H. Frere, to lieut. general Sir J. Moore,* K. B. *Dated Talavera de la Reyna, 3rd December* 1808.

Sir; Though I have little to add to the general representation respecting the means of resistance at present existing in Spain, which I had the honour of stating in my letter of the 30th of last month, yet the report which is just brought me by of the state in which he left Madrid, is so strong a confirmation, or, more properly speaking, so much exceeds every thing which I had ventured to say of the spirit and resolution of the people, that I cannot forbear representing to you in the strongest manner the propriety, not to say the necessity, of supporting the determination of the people of this country by all the means which have been entrusted to you for that purpose. I have no hesitation in taking upon myself any responsibility which may attach itself to this advice, and I consider the fate of Spain as depending absolutely for the present upon the decision which you may adopt. I say for *the present;* for such is the spirit and determination of the people, that if abandoned by the British, I should by no means despair of their *ultimate* success.—You will see by the date of this, that the Junta are removed from a situation in which they were exposed immediately to be made prisoners. —They have determined to remove to Badajoz, where I shall hope to be honoured by your answer. I have the honour, &c.

(Signed) J. H. Frere.

No. IV.—*Copy of a* Letter *from the right hon. J. Hookham Frere, to lieut. general Sir John Moore,* K. B. *Dated Talavera de la Reyna, 3rd December,* 1808.

Sir; In the event, which I did not wish to presuppose, of your continuing in the determination already announced to me, of retiring with the army under your command, I have to request that the bearer of this, whose intelligence has been already referred to, may be previously examined before a Council of War. I have the honour to be, Sir, &c. (Signed) J. H. Frere.

No. V.—*Extract of a* Letter *from lieut. general Sir John Moore,* K. B. *to the right hon. J. H. Frere; dated Salamanca, December 6th,* 1808.

I had the honour to receive on the 2nd instant your letter of the 30th ult. [No. II. of these Papers.] in answer to that which I addressed to you on the 27th November. Had this army been united and ready to act at the time of general Castanos's defeat, much as I think it would have been risking it, yet it was my intention to have marched on Madrid, and to have shared the fortunes of the Spanish nation. If I could not have sustained myself there, I thought that by placing myself behind the

Tagus I might give the broken armies and people of Spain, if they had patriotism left, an opportunity to assemble round me, and to march forward to the relief of the capital. That this was my intention, is known to the officers with me, who are in my confidence; it is known also to lord Castlereagh, to whom I had imparted it in one of my late letters. I wished to have my opinion confirmed by yours, which was my reason for addressing you on the 27th; but had you seen the affairs of Spain in a different light, and had you been adverse to the army being committed in the heart of Spain, your opinion upon such a subject would, I may say certainly, have decided me to have altered my intention.—With respect to the determination which I made on the evening of the 28th, upon receiving from Mr. Stuart the account of Castanos's defeat, I should, had you been with me, have communicated it to you, but should never have thought of asking your advice or opinion, as that determination was founded on circumstances with which you could not be acquainted, and was besides a question merely military, of which I should have thought myself the best judge.—At that time the army was divided in three different corps, and could not possibly have been united before the 13th or 14th of this month, before which period there was every reason to believe that it would be attacked by all the force of the enemy; and after Castanos's defeat, I knew of no Spanish army from which it could receive the smallest assistance. The army I commanded was weak from separation, and, when collected, amounts only to 26,000 men fit for duty. I had been left without any communication with any of the Spanish armies; I expected no assistance from any; and it behoved me to consider the safety of the British troops. I therefore directed sir David Baird, whose corps would not have been collected at Astorga until the 4th of this month, to fall back on Corunna. I directed general Hope, by forced marches, to join me here, where I intended, if I was permitted, to wait his arrival; and I took measures for retiring with him into Portugal, with a view either to defend that frontier, and ultimately to retire on Lisbon, or to return to Spain, should any change of affairs there render it eligible.—The resistance made by the people of Madrid has occupied the French, and has prevented any corps from being detached against me. This example of enthusiastic patriotism in the capital, if it holds, may be followed by the most happy effects, if the flame communicates, and the example is followed by the provinces.—There has been no example of any such resistance in any other part of Spain, and, though I hope this will produce it, I have neither seen nor heard of such enthusiasm or patriotism elsewhere, though I trust it will prove otherwise. I cannot but consider it as doubtful, whether the people of Madrid will continue firm when they come to be pressed. If they yield, the whole is gone.—I received yesterday a letter from the Junta at Madrid. I have ordered sir David Baird to march back to Astorga, and I have stopped my preparations for retreat on Portugal. I have put myself in communication with the marquis of Romana at Leon, and, without being able exactly to say in what manner, every thing shall be done for the assistance of Madrid and of the Spanish cause, that can be expected from an army such as I command. I cannot make a direct movement on Madrid, because the passages of the Guadarrama and Somosierra are in the hands of the French: besides, until joined by sir David Baird, I am much too weak.—I have thought it my duty thus calmly to explain to you the reasons which have and do actuate my conduct, and I wish anxiously, as the king's minister, to continue upon the most confidential footing with you; and I hope, as we have but one interest, the public welfare, though we may occasionally see it in different aspects, that this will not disturb the harmony that should subsist between us. Fully impressed as I am with these sentiments, I shall abstain from any remark upon the two letters from you, delivered to me (No. III. and IV. of these Papers.] last night and this morning by [ ] or on the message which accompanied them.

No. VI.—*Copy of a* Letter *from the right hon. J. H. Frere, to lieut. general Sir John Moore,* K. B. *Dated Truxillo, 9th December* 1808.

Sir; After the representations which have been made to you from other quarters, I can hardly hope that a further remonstrance on my part can produce any effect, where high military rank and authority, and the influence of persons whom, I am told, you honour with your private esteem, have been found unavailing. The advantages which Mr. Stuart possesses in this respect will, I hope, enable him to urge to you with the warmth of personal

regard, what I may be allowed to state at least with impartiality and candour towards a person with whom I am no otherwise acquainted than by the honour which he has done me by his correspondence. I mean the immense responsibility which you take upon yourself, by adopting, upon a supposed military necessity, a measure which must be followed by the immediate if not the final ruin of our ally, and by the indelible disgrace to the country with whose resources you are entrusted. I am unwilling to enlarge upon a subject, in which my feeling must either be stifled or expressed, at the risk of offence, which, with such an interest at stake I should feel unwilling to excite; but thus much I must say, that if the British army had been sent abroad for the express object of doing the utmost possible mischief to the cause of Spain (with the single exception of not firing a shot against the Spanish troops) they would, according to the measures now announced as about to be taken, have most completely fulfilled their purpose. That the defence of Galicia should be abandoned, must appear incredible. I am, &c. (Signed) J. H. Frere.

No. VII.—*Extract of a* Letter *from lieut. gen. Sir J. Moore,* K. B. *to the right hon. J. H. Frere; Dated Salamanca, 10th December* 1808.

Colonel Graham, whom I had requested to go to Madrid, returned last night. He got no further than Talavera, where he met two members of the Supreme Junta, from whom he learnt the capitulation of Madrid, with the circumstances relating to it.—I own I cannot conceive how the duke of Castel Franco and M. de Morla could have given up the town, if the inhabitants had been very resolute in their determination to defend it.—It is, I suspect, like the cry of the armies, who, to cover their misconduct, accuse their chiefs of treachery, and, in the instance of general St. Juan, put them to death.—Although I have little hope of the success of the Spanish cause, for I see no marks any where of enthusiasm or a determined spirit, either amongst the people or the government, yet, as it is possible that it may be roused, and as it is said that forces are assembling in the South, I shall unite the British army, and, in concert with the Marquis de la Romana, undertake such operations as shall appear to us best. I have not yet received an answer from the Marquis to my late letters, but I expect to receive one hourly. I do not know the number of people he has collected, but I hear they are not of a description from which much can be expected.—I have now with me general Hope's division, the artillery and the whole cavalry; which last, however, as yet amounts only to 2,200 men.—Madrid, in the state it is, must occupy a considerable portion of the enemy's force. Saragossa still holds out, and the levies in the South will attract his attention. The whole cannot be turned against us, and in a very few days I hope to have the army in readiness to act. I shall begin to-morrow to put a part of it in motion, and my wish is to unite it at Valladolid.—If, at this moment, this town, Ciudad Rodrigo, and Zamora, were armed, they could defend themselves; it would be of considerable service; as otherwise, when I go towards Valladolid, my communication with Almeida and Portugal, from whence I draw my resources in ammunition, &c. may be intercepted.—A man of energy, as captain general of this province, residing under the protection of this army, and explaining in proclamations or otherwise to the people the services expected from them, and which they might perform, would be of infinite use. The people are left too much without direction, and we cannot get, even for money, common intelligence. It is only by colonel Graham, last night, I knew the capitulation of Madrid, which happened the 3rd.—I take the liberty to state these particulars to you, as perhaps, by means of the Junta, remedies might be applied.—I shall thank you not to mention any direction in which I mean to move, but to say in general that the British army will act in conjunction with the army of La Romana.

No. VIII.—*Extract of a* Letter *from the right hon. John Hookham Frere, to lieutenant general Sir John Moore; dated Merida, 14th December* 1808.

I was last night honoured by your letter of the 10th [No. V. of these papers,] and was sincerely gratified at learning, that with hopes infinitely less sanguine than I confess myself to entertain of the success of the Spanish cause, you had determined to make an effort in its favour. A resolution taken with such views must have been in a great measure founded upon feelings similar to those which you will have seen very strongly expressed in a letter of which Mr. Stuart was the bearer, and of which I wish now to say nothing more,

than that I feel highly gratified in the idea of your having partaken them with me; and that without communication between us, the same sentiments which at that very moment were influencing your conduct, were guiding my pen.—Your letter happened to be delivered to me while I was with the Junta, and I communicated such parts of its contents as were most important and gratifying to them, with the reserve which you pointed out.—You know, I presume, that general Romana is invested with the authority of captain general in Leon, Castile, Gallicia and Asturias, and I can congratulate you on having to do with a man whom you will find perfectly of a right mind, and determined to keep every man to the performance of his duty. The placing the towns which you mention in a state of defence suitable to the means of attack which the enemy might at present be able to direct against them, would, I should imagine, fall within the limits of his authority; but I shall state the subject to the Junta, and I have no doubt of their approbation of any measure which you suggest. The one of giving a temporary species of defence to the open towns has, I think, great advantages in a country like this, which is not overrun with luxury and timidity, and where a kind of provincial pride exists not only in every province, but almost in every town; the people would be animated not only against the enemy but in rivalry with each other; the enemy would be obliged to overcome, at the price of his blood, obstacles which had been opposed to him by mere labour; and a thousand barriers would be interposed against that deluge of panic which sometimes overwhelms a whole nation at once, and of which at one time I was afraid I saw the beginning in this country. —With respect to what you mention of directing the public mind by proclamation, and other means of popular impression, Marquis Romana is, with very few exceptions indeed, the man the most capable of judging rightly that I have ever seen. *I send enclosed an ordonnance* [not transmitted] which has been published in Arragon, and which has not yet appeared in the papers; I will thank you to forward it to Romana by your next opportunity, if it is not printed in the meanwhile. —You will be glad to hear that it is much approved of by the Junta, and that they are well persuaded that it is only in this way that things can be done.—The extinction of the popular enthusiasm in this country, and the means which exists for reviving it, would lead to a very long and delicate discussion; I would only say, that if I am at all right in my judgment of the cause of the evil, it is already done away by the acts of the Junta, and I trust that its effects will not long survive. I have been pressed to write to the Commander in Chief in Portugal, to reinforce the army under your command with all the troops that he can spare, and have already transmitted home a representation to that effect.—No official report has yet been received of the capitulation of Madrid, nor is it as yet by any means certain that any formal stipulation existed. Nothing has been heard from Morla, Castellar, or Castel Franco, nor is it known where they are. An order has been drawn up, and is to be published, prohibiting all persons concerned in the capitulation, or holding any command in the town, from approaching the residence of the Junta.—The army of Arragon have repulsed an attack on the 2d. Palafox's official report represents the unfortunate action of Tudela as an exceedingly bloody one, and that the French confess to a loss of 4,000 men. All the reports from Madrid represent the force of the French as very much reduced. I have heard no estimate above 26,000. Indeed all these estimates are vague; but officers who were witnesses of the attack, are confirmed in the opinion of the weakness of the enemy, by what they observed of his appearance and mode of approach.—The Junta are on their way to Seville. I follow them from hence to-morrow. This province is raising horses and men with great zeal, and sending them forward to defend the passes of the Tagus, particularly to Almaraz.—The Junta have been received with uniform respect by the people, and with great deference by the inferior Junta.

HOUSE OF COMMONS.

Wednesday, April 12.

[Minutes.] On the motion of lord Ossulston it was Ordered: 1. That there be laid before the house, a Return of all Offices regulated or abolished since the year 1782, in pursuance of the recommendation of the Commissioners of Accounts in 1787, or of the Committee of Finance in 1797, together with an account of such as have not been regulated or abolished in pursuance of such recommendation, distin-

guishing with respect to these, whether they have not yet fallen in, or have since been filled up: 2. A Return of all such Offices in the appointment of the Lords of the Treasury, or in that of the Commissioners of Excise, as have been created since the year 1782, together with the date of the first appointment, and the authority under which it was made: 3. A Return of all such Offices upon the Establishment in the appointment of the Lords of the Treasury, or in that of the Commissioners of Excise, as were not included in the Returns to the Committee on the public Expenditure, as being in value under 200*l.* per annum, specifying only the description of the Office and the number of Offices of each description.—On the motion of Mr. Huskisson it was ordered: That the two Bills of Exchange for 50*l.* each, drawn by E. Farquhar, and which were produced in Evidence before the Committee appointed to examine into the conduct of his royal highness the Duke of York, be delivered to Mr. Charles Cookney, the attorney of captain Milbanke, to whom they belong.—On the motion of lord Folkestone it was ordered, that the several Papers relative to the Bankruptcy of Robert Kennett, which were likewise produced in Evidence before the said Committee, be returned to Mr. Duff.—Sir John Newport, pursuant to notice, moved, that there be laid before the house a Copy of the Order or Warrant appointing Beauchamp Hill, esq. Inspector-General of Excise in Ireland. The ground upon which he brought forward the motion was, that this gentlemen had admitted, in his examination before the Commissioners of Inquiry, that whilst he was an Inspector of Excise, he used to receive 20 guineas monthly from each distiller in his district. Such conduct rendered him unfit to hold any employment, and yet that gentleman had been since promoted to the office of Inspector-General of Excise in Ireland.—Mr. Foster and Mr. Croker did not mean to oppose the motion, but could not forbear to give testimony to the merit and activity of Mr. Hill as an Excise officer; at the same time, however, admitting that, in consequence of the smallness of the former salaries, not only he, but almost all the other officers of the Excise in Ireland, had been in the habit of receiving fees contrary to law, that practice was now at an end, and it was only in consequence of his exemplary activity that Mr. Hill had been promoted.—After a few words from sir John Newport, the motion was agreed to.—Sir John Newport then stated, that he had to move for one or two papers relative to the Linen Board in Ireland, in order to complete the series of papers already before the house. When these papers should be produced, it was his intention to bring the whole subject before the house, and to exhibit this Board and its constitution in their proper colours. The hon. baronet concluded with moving, "That there be laid before the house, copies of all Returns made by the Architect to the Trustees of the Linen Board, from the date of the Report thereon, together with an account of the money due to the artificers, and of other claims outstanding; also a copy of the Statement made in February or March last, relative to repairs, and an account of all outstanding demands upon the funds of the Linen Board." Mr. Foster did not mean to oppose the motion, but rose to vindicate the character of the Trustees of the Linen Board, which was composed of seventy-two of the most respectable of the nobility and gentry in the kingdom, if the terms used by the hon. baronet, that he would exhibit them in their proper colours, were meant to convey an insinuation of disrespect to that Board. Mr. Ponsonby observed, that he had the honour to be one of the Trustees of that Board, and had not taken any offence at the expressions used by his right hon. friend. The object of his right hon. friend, who had communicated some of his views to him, was to expose the defects of the board as it was at present constituted, and when the matter should be before the house, it would appear that the views of his right hon. friend were directed to the welfare of the country. The motions were then agreed to.

[BREACH OF PRIVILEGE.] A division having taken place on a private Bill, the gallery was cleared, during which time as we understand,

Sir *C. Hamilton* complained of a Breach of Privilege in the arrest of a member coming to the house. All we could collect on the subject was—from what fell from the Speaker as we entered the gallery, who then observed, that the hon. member was right in bringing it forward, that the Sheriffs were responsible for the acts of their officers, and that when the matter was regularly brought before the house, the offender would, no doubt, be made a proper example of.

[PAPERS RELATING TO MR. OGLE.]

Lord *Folkestone* rose, in pusuance of the notice he gave yesterday, to move for copies of certain Proceedings instituted in the court of King's Bench by the Attorney-General against John Ogle, esq. in 1800 or 1801. He stated, that from the information he had received, he had understood that col. Ogle, in the year 1800 or 1801, had received a letter for raising a levy of men in Ireland; that he proceeded to carry the same into effect, in the course of which it appeared, that in many accounts presented at the War Office, col. Ogle had been found guilty of mal-practices, which rendered him liable to the charge of forgery and perjury. That in one of those years the Attorney-General had filed an information in the court of King's Bench against col. Ogle, to which he had entered a plea of not guilty, which plea was however withdrawn afterwards, and judgment by default went against him, so that he stood convicted of those crimes since 1801, and had never been brought up for judgment, nor had any further proceedings been heard on the subject. He therefore moved, for a Copy of the Information filed by the Attorney-General in the court of King's Bench against John Ogle, esq. in 1800 or 1801, and all legal proceedings had thereon.

Mr. *Yorke* said that the affair of col. Ogle's levy took place while he was at the head of the War Office, and as far as he had a recollection of the circumstance at present, the accounts were forwarded to gen. Gwynn, who was the inspecting general. Why the law proceeding was stopt he did not know; but in the War Office he recollected that col. Ogle had been called on to enter into a bond of 10,000*l.* to pay such sums as should appear against him in the final passing of his accounts. He had no objection to the papers being produced.

The *Chancellor of the Exchequer* did not object to the motion, although he thought it unnecessary, as it would be found that Mr. Ogle had entered into some engagements to indemnify the public for the losses that had been sustained. It was not unusual in such cases to call for the payment of fines, and through motives of leniency to suspend the proceedings against individuals in that situation.

The motion was then agreed to, as was also a motion, "That there be laid before this house Copies of all Memorials presented or applications made, by John Ogle, esq. to the War Office, praying for a settlement of his Accounts since the beginning of the year 1801; together with Copies of such Answers as have been returned thereto, and all proceedings of the War Office, with reference to col. Ogle's Accounts."

[Dublin Paving.] Mr. *Robert Shaw* rose, pursuant to notice, to move for the production of certain Papers relative to the Conduct of the Paving and Lighting Board of the City of Dublin. He thought that those papers contained information that would materially affect the judgement of the house in deciding on the merits of the Bill now pending; and as the citizens were not only averse to enlarging the powers of that board to so extravagant a degree, but very anxious to repeal several of the powers already granted to that board by the 47th of the king, as appeared from their proceedings at several of their corporate and parochial meetings, he begged permission to state shortly the facts that had induced him to call for these papers. And in doing so, he particularly wished that the house would bear in mind, that the citizens of Dublin are now paying, under the 47th of the king, heavy and enormous taxes for the support of this new establishment, and that common justice requires, that, if they are to pay a great deal more than formerly, the services they were to receive in return ought to be in the same proportion. It appeared, however, that the Commissioners of this board were more active in levying the taxes than in rendering such services; for by the act of last session, they were empowered to raise the tax on each house to any sum not exceeding 4*s.* 0*d.* in the pound, on the valuation of minister's money, and this power they carried into effect upon the very first meeting after the act, by assessing to the full amount allowed by the act; and yet, though this increase was more than double the former tax, the first step of the Commissioners was to take down nearly half the number of lamps in a city not too well lighted before. One of the papers he should move for would contain a return of the number of those lamps, and when gentlemen read that paper, they would, no doubt, think with him that it was rather a novel mode of improving the lighting of the city, to put out half the number of its lamps. Nor could he think it the most reasonable proceeding towards the citizens, first to make them pay double, and then to abridge their accom-

modation one-half. And indeed of the remaining half, the lamps were so badly fed with oil, that they were in general completely extinguished by one or two in the morning, so that the city was in total darkness from that hour till the return of day-light. It was wholly unnecessary for him to comment upon the many inconveniences and dangers which must result from a neglect of this sort. The next paper he intended to move for was a return of the expences incurred in opening a sewer in Capel-street, one of the most populous streets in the city. It seemed the Commissioners were very anxious to carry into effect a favourite project of their own; this project was, to make a sewer with ledges to support main pipes, and large enough for men to work in. And here he begged that the house would observe that this project had been submitted to the ablest and most eminent engineers in either country, who had one and all, after the maturest consideration, condemned it as intolerably expensive, most absurd, and absolutely impracticable. One would have expected that after such an opinion from the best judges, the Commissioners would have paused before they would have wantonly squandered away the public money in useless experiments; but so far from it, they immediately proceeded to open an immense gulph in one of the most frequented streets, widening the gulph until the very foundations of the houses were in danger, and the houses themselves were shut out from all access by the quantity of earth thrown up on each side, and all business actually suspended for three months in one of the most trading streets in the City of Dublin. So severely was this nuisance felt, that the corporation petioned the lord lieutenant, and his grace, with all his characteristic politeness and attention, interfered and put a stop to the work till the propriety of continuing it should be farther considered. The opening of this sewer to the extent of about 30 yards cost little short of 1,000*l.* The length of the pipes in Dublin exceed 50 miles, so that this circumstance in itself confirms the report of the engineers, when they stated the expence to be intolerable, and that they were equally justified in reporting the project as absurd, was evident from this consideration, that the water passing through pipes so placed must be unavoidably contaminated by the filth of the sewer, and of course be rendered unfit for the use of the inhabitants. And it was to avoid an evil of this sort that the London engineers, in laying pipes, always lay them as far from a sewer as possible; and when obliged to cross a sewer, the pipes were always made of metal. The remaining papers he had to move for would, he was sorry to say, prove to the house how little inclined the Commissioners have shewn themselves to consult the wishes of the citizens, from whom they were levying such enormous taxes. The circumstances which led to the correspondence, of which those papers would be a copy, were simply these: The commissioners of the Ballast Board, a most respectable body, had just completed a wall on the quay of Dublin, much to the ornament and security of that part of the city, and not without considerable expence to the inhabitants; scarcely had it been finished, when the commissioners of paving erected a paling under the windows of the Ballast Office, in the handsomest part of the city, and against the new wall, enclosing a sort of depôt for sand for paving, though, at the other side of the street, there was a vacant piece of ground equally near the work carrying on, and the occupation of which could have been productive of no inconvenience whatever. The ballast office commissioners wrote to them, requiring the removal of the depôt upon two grounds, that it was a great nuisance to the street itself, and that it seriously endangered the new wall by the weight that it imposed upon it. The commissioners of wide streets, conceiving it to be their duty to prevent such a nuisance in so public a situation, made two applications to the same effect. The very extraordinary answers (to give them no worse name) which communicated to these two most respectable authorities the unqualified refusal of the paving board, will be found in the papers he now intended moving for. The grand jury also wrote, and indignant at a similar refusal, presented it as a nuisance. The paving board entered a traverse against the presentment; and thus the public money designed for the improvement of the city of Dublin, and placed in the hands of those commissioners for that purpose, may be thrown away in defending their wanton and outrageous insults upon the citizens who supplied that money. The papers he now moved for, he was convinced would satisfy the house, that so far from extending the powers of this board, they should rescind many of

those they already possess. The hon. member then concluded with moving, "That there be laid before the house a return of the number of lamps taken down within the city of Dublin since the month of August, 1807; also a return of the expences already incurred in making a sewer in Capel-street in the said city; and, thirdly, a copy of the correspondence between the commissioners of wide streets, the ballast office of Dublin, on the one part, and the commissioners of paving and lighting on the other, so far as said correspondence related to a certain nuisance on Aston quay, Dublin."—The motions were then severally agreed to without opposition.

HOUSE OF COMMONS.

Thursday, April 13.

[Minutes.] Lord Archibald Hamilton rose to give notice, that in consequence of the disclosures that had been made in the Report of the East India Committee, he should, on to-morrow se'nnight, submit to the house a motion respecting the same; and, as the disclosures were of so voluminous a nature, he thought it necessary distinctly to state, that on that day he should call the attention of the house to that part exclusively relating to the Conduct of lord Castlereagh.—Lord Ossulston moved for an Address to his majesty, praying that there be laid before the house a Return of all places, posts, and offices held immediately from the crown, whether during pleasure or good behaviour, or by reversion, or any other tenure, and, whether in the home department or the colonies, together with the nature, duty, and salaries of the respective offices, and the duties of their several institutions. Ordered.—Mr. Henry Martin moved, that there be laid before the house an Account of the Balance in the hands of the Register of the High Court of Admiralty, the Register of the Court of Prize Appeals, and the Register of the High Court of Delegates, as far as the said balances were the property of persons suitors in that court, distinguishing the balance for each year, from the 5th of Jan. 1793, to the 5th of Jan. 1809. Ordered.

[Chelsea Hospital—Colonel Gordon.] Sir *Francis Burdett*, seeing a noble lord in his place, expressed a wish to know from that noble lord, if what he had heard with respect to the disposal of the public property to an individual was founded in fact. The circumstance he alluded to was this; he had understood that a portion of the ground belonging to Chelsea Hospital, lying along the bank of the River Thames, and particularly calculated for the air and exercise of the pensioners, had been lately consigned over to the use and possession of col. Gordon. He should forbear from commenting on the nature of such a consignment until he learned from the noble lord whether it was true, or how far it was so; and, according to the answer he should receive, he would be guided as to the nature of the parliamentary proceeding he might then think it advisable subsequently to adopt.

Lord *Castlereagh*, observing that he was particularly applied to by the hon. baronet, begged leave to assure him, that that was the first time he had heard any thing of the circumstance alluded to, and that therefore it was not in his power to give the hon. baronet any information whatever on the subject.

Mr. *Huskisson* admitted that what the hon. baronet alluded to was not altogether unfounded in fact. The state of the grounds belonging to Chelsea hospital had been submitted to the Commissioners, and it did appear that the Infirmary was inconveniently situated. It was considered that it would prove most advantageous to the interests of that institution, to have the ground that could not be better disposed of let out for building. Under these circumstances it was, he believed, that colonel Gordon had become a holder of that part of the ground.

Sir *Francis Burdett* said, that he was glad he had brought the matter before the house, as it was evident that the statement which had been made to him did appear to be founded in fact. It was clear that it ought to be followed up by every possible investigation. He thought it would be requisite that a committee of the house should be appointed to inspect the ground in question, or at least some means should be resorted to for the purpose of ascertaining the value of the ground disposed of, and the manner in which it had been disposed of; for certain it was, that if it had been disposed of in the manner in which he had been informed it was, there could be no doubt whatever that a great and serious abuse had been committed.

Mr. *Rose* professed his entire ignorance of the transaction alluded to.

Mr. *Long* confirmed the statement of Mr. Huskisson; when sir F. Burdett again rising,

The *Speaker* here suggested that there was then no question before the house, and asked the hon. baronet, whether it was his pleasure forthwith to submit a motion to the house, or to give notice of such a motion?

Sir *Francis Burdett* said, that he would to-morrow submit to the house a motion on the subject.

[Breach of Privilege.] Sir *C. Hamilton* complained that a Sheriff's Officer had yesterday seized his person, in his own house, and treated him with great rudeness, which he deemed to be a breach of the privileges of the house. He moved therefore, "That Daniel Butler, the officer alluded to, do attend at the bar of the house to-morrow, to answer for the said breach of privilege."—Ordered.

[Local Militia Bill.] The order of the day for the further consideration of the report of the Local Militia bill having been read, the bill was recommitted on the motion of lord Castlereagh, for the purpose of introducing several amendments, which he felt it necessary to propose in various provisions of the bill —In reply to a suggestion made by sir Thomas Turton, relative to a particular amendment, lord Castlereagh stated, that it was his intention in this stage of the measure to propose the several amendments which occurred to him as necessary, after which he would move to have the bill re-printed, and should then be happy to hear and attend to any suggestion or amendment, which the hon. baronet, or any other hon. member, might have to propose.—Much desultory conversation then took place upon each clause and amendment, as the committee proceeded through the bill. The period for completing the local militia was extended to January next, and the bounty to volunteers raised from one to two guineas. The rank of the officers of the local militia was fixed next after the rank of officers of the original militia, and rank for rank above that of officers of yeomanry cavalry, whose rank was to follow that of officers of local militia, as the rank of the latter came next after that of the original militia. This arrangement was objected to, as insulting to yeomanry officers, by sir Thomas Turton; but his objection was over-ruled, as was also a suggestion of Mr. Dundas, that the yeomanry and local militia officers should take rank from the date of their commissions, whereby volunteer officers who should transfer their services to the local militia, would take rank from the date of their commission as volunteer officers.—On the clause to authorise lord lieutenants, upon representation to government in certain cases, to order regiments of local militia from the county for which they may have been raised, into an adjacent one to be trained, lord Castlereagh felt it necessary to explain the ground upon which this clause rested, in order to remove a misapprehension which had taken place respecting it. The sole object of the clause was to consult the convenience of the men. In many counties there were no great towns large enough to afford quarters for the local militia of the counties, in which cases it was thought desirable that there should be a power to march the regiments to be trained into an adjacent county. There were other cases in which the regiments would have to march 25 or 31 miles within their own counties, to a town capable of affording them proper quarter, whilst by being sent into the adjoining counties, they would have but a march of five or six miles to convenient accommodation during their period of training. It was solely, therefore, to remedy the unavoidable inconvenience that would result in such cases from training the regiments of local militia in their proper counties, and to promote the accommodation of the men themselves, that this clause had been introduced.—After a few words from Mr. Giles and sir T. Turton, this explanation was considered satisfactory, and the clause agreed to.—Lord Castlereagh then brought up a number of clauses which were agreed to without opposition.—The bill then went through the committee, the report was received, and ordered to be taken into further consideration on Monday next.

[Irish Spirit Duty Bill.] The house then went into a committee on the Irish Spirit Duty Bill.

Mr. *Foster* observed, that when the duty should be reduced so low as to meet the wishes of the gentlemen on the other side of the house, the Irish distiller would have an advantage over the English distiller, as the latter was obliged to produce 21 gallons of spirits from 200 weight of sugar, whereas the Irish distiller need only produce 18. It therefore followed that the Irish spirits would be made stronger for the same duty. He thought it but fair to take notice of this circumstance, although he was ready to conform the duty to the wishes of other gentlemen.

Mr. *Barham* said, that while there was no spirit intercourse between Great Bri-

tain and Ireland, there could be no advantage gained by one over the other. He wished much that the duty should be lowered in Ireland, in order to prevent illicit distilleries.

Mr. *Marryat* was of the same opinion.

Mr. *Foster* said, that it had been his intention to reduce the duties, in consequence of the suggestions which had been made to him, from 3*s.* 2*d.* to 2*s.* 10*d.* a gallon. He should, however, keep himself unfettered until the next Report of the committee which were then sitting. When that Report should be presented, which would probably take place in less than five weeks, he would still hold himself at liberty to alter the present bill, or bring in an entire new one, as it should then appear proper.

After some further conversation, the Bill went through the committee, and was ordered to be reprinted, with the amendments.

HOUSE OF LORDS.

Friday, April 14.

[Campaign in Spain.] The Earl of Liverpool laid upon the table some further documents respecting the operations of the late Campaign in Spain, which were ordered to lie on the table, and to be printed.

Lord *Auckland* wished to put a few questions to the noble Secretary of State, to which, however, he did not expect or require an immediate answer. His object in putting these questions was to disentangle, as much as possible, and clear the ground for the main discussion respecting the conduct of the late Campaign in Spain and Portugal, and to endeavour to fix the leading points upon which that discussion might be expected to turn. That discussion would naturally involve not only the conduct of the war in those countries, but also the nature and tendency of the Treaty lately negociated between this country and Spain. And first, he would beg leave to ask in what sense were to be understood the terms "lawful successor," in the Article by which this country was bound not to make peace until Ferdinand 7th was restored, or his lawful successor and heirs. If it was intended not to make peace until Ferdinand 7th was restored, or until the crown of Spain was again placed on the head of the lawful successor of Ferdinand, a Bourbon, such an Article of a Treaty might expose the country to difficulties which it might not be expedient to draw upon it. If, again, the article only meant that we were to consider any person, even Joseph Buonaparté, should the choice of the Spanish nation appear to appoint him the sovereign of that country, as the lawful sovereign of Spain, he should then say the Treaty in this respect would be wholly nugatory. This, however, might be a matter of delicacy, and he by no means desired to press the noble Secretary for an answer respecting it; wishing only that he would bear in mind how material a point the consideration of that part of the Treaty must prove, in the approaching discussion. The next point he had to allude to was also a delicate one; he meant the two Letters and Message of Mr. Frere to sir J. Moore. There was no person who was more disposed than he was to make every allowance for the conduct of gentlemen in diplomatic situations; but he could not but consider the tone of these letters as somewhat out of the usual way. What must appear still more extraordinary was a message sent to sir J. Moore, desiring the bearer of the message to be heard before a Council of War, on the nature of the military plan to be adopted on the emergency in which the British army was then placed, when Mr. Frere and the Spanish Junta were themselves obliged to take to flight; and most extraordinary again must it seem, was it to be found that the bearer of such a message was a Frenchman! In what light must he have viewed the treatment to which a British commander in chief was thus submitted? These letters, this message, or the nature of it, at least, he conceived, should necessarily be laid before the house for a proper understanding of such a strange mode of proceeding. Sir J. Moore treated the letters and the message in a manner worthy of him; he could scarce believe they were intended to be seriously acted upon.—He had now to advert to another point which he had on a former occasion endeavoured to press upon the attention of the house, and that was, the facility with which the enemy was allowed to take possession of Ferrol, of the naval squadron and naval arsenal in that place. It was true that some communications which passed upon that subject between sir David Baird and admiral de Courcy had been laid before the house, but it contained no satisfactory explanation of the matter, and indeed was far from shewing that any effectual steps had

been taken to secure that great national object. Here, then, was another point upon which the late Treaty bore, and which must naturally find an important place in the discussion of the merits of that Treaty, or in any discussion respecting our present connection with the issue of affairs in Spain.—The other points he had to call the attention of the noble Secretary to, might be considered of minor importance; but they were still what that house and the public should be fully and accurately informed upon. He meant a correct Return of the losses sustained in the British infantry and cavalry, which he feared far exceeded what they were generally understood to amount to. He feared the losses of both would not be found short of 8,000 men; of cavalry it was said, that 3 or 4,000 had been sent out, and that of these not more than some hundred horses had returned. He should not only wish to see it stated, how many horses exactly belonging to the mounted cavalry had been lost, but also how many belonging to the waggon-train, &c. &c. had never returned. Without due information on these matters, no complete and satisfactory estimate could be formed of the real loss sustained by the British army during the late campaign in Spain and Portugal. These questions he had proposed to the noble Secretary of State, not expecting an immediate answer to all of them, but from a wish to have it understood, that a more complete explanation of these points would be expected in the course of the approaching discussion than had yet been submitted to the house by his majesty's ministers.

The Earl of *Liverpool* acknowledged the noble lord had acted with perfect propriety, in not pressing for an immediate answer to many of the questions he had put. Indeed, most of them were rather matter of argument for future discussion than of immediate explanation; and he should therefore defer touching upon them, until that discussion came regularly before the house. With regard to Mr. Frere's Letters, and the Message alluded to by the noble lord, they had never come in an official shape into the hands of his majesty's ministers; and he therefore did not imagine they could be regularly produced or argued upon. Even in the department to which such a correspondence more regularly belonged, he did not believe that much was known of the nature of the message upon which the noble lord had laid so much stress; but whatever was known would no doubt be communicated, when that point came more immediately under their lordships consideration. With respect to the losses said to be sustained by the British army in its retreat from Salamanca to Corunna, an Account of them had been laid before the house in as complete a shape as it could well be made out; but he must entreat the house to remember, that in estimating these losses they would take into the account the losses sustained in Portugal, in the battles of Roleia and Vimiera, as well as what resulted from the retreat of the army to Corunna, and the memorable battle at that place. The whole should be embraced in a comprehensive view, and not frittered into separate and minute particulars.

Earl *Grey* could not consider the points touched upon by his noble friend, as mere matter of argument, but as questions which called for a full and explicit explanation. Could any thing be more important and urgent to ascertain, than what was the real meaning of the most important article of the recent Treaty with Spain? That article bound this country to make no peace with France until Ferdinand VII, or his lawful successor, was restored to the throne of Spain. Why, in the first place, Ferdinand the VII.? What was his right to the throne in preference to Charles IV.? Or what authentic information was the house in possession of respecting that right? Charles IV. was said to have abdicated in favour of his son; but did we know that that abdication was a voluntary one? Besides, if the Spanish nation had thought proper to make choice of Ferdinand in place of his father, were we to acknowledge and sanction the propriety of that choice? It was true, Ferdinand would, in the course of things, have succeeded his father as the lawful successor; but upon what ground did we sanction his actual possession of the supreme power while his father lived? In this respect, the house were in possession of no accurate and official information, and therefore, the thus binding the country to persist in a war for his restoration, or that of his lawful successor, he held to be matter of the most serious consideration. Ministers had, however, in various documents described Ferdinand as prince of the Asturias; upon what ground was it that they now considered him as the only legitimate sovereign of Spain, in whose cause we were to cooperate with the Supreme Junta of Spain?

If by 'lawful successor' was to be understood any person whom the Spanish nation might acknowledge as their sovereign, then it might apply to the present usurper; and in that case he must join with his noble friend in considering the Treaty as wholly nugatory. On the subject of the losses sustained by the British army in the retreat from Salamanca, the house were by no means accurately informed. In its consequences, that retreat would be found to have proved extremely fatal. Such was the excessive fatigue to which it exposed both officers and men, that many of those who had escaped from Spain had died since their return. These consequences must greatly aggravate the original loss, and in order to ascertain it more accurately, he should on Monday next move for some additional accounts to that effect.

Lord *Auckland* made some further observations on the dates of some of the articles of the Treaty with Spain, such as the date of the last article, which purported to be of the 21st of March last. It was impossible that this article, at least, could have been ratified. It would therefore follow, that what was before the house as a Treaty, could not as yet be regularly considered as such.

The Earl of *Liverpool* seemed to admit the force of the observation, but deferred any explanation respecting it to a future occasion.

Earl *Grey* then observed, that in order to meet the wishes of some noble lords to whom it was inconvenient to attend on Tuesday next, he would, with the permission of the house, defer his motion respecting the late Campaign in Spain till this day se'n-night, on which day he was determined to bring it forward.

[Sir John Craddock.] The Earl of *Buckinghamshire* rose, to bring under the consideration of their lordships the unpleasant situation in which sir John Craddock was now placed. Sir A. Wellesley had just been appointed to take the command of the British forces in Portugal, and that at a moment the most critical for the feelings and fame of the officer who now commanded them. Of the military talents of sir A. Wellesley, it was impossible for any man to entertain a higher opinion than he did. Neither could any man feel more admiration and esteem than he did for that gallant and distinguished officer. He still, however, could not suppress his feelings with regard to the cruel situation to which sir J. Craddock must now be exposed. Every measure adopted by sir J. Craddock since his arrival in Portugal, had, he believed, received the fullest approbation of government. It was such as might be expected from an officer who had so ably conducted himself in India, in Egypt, &c. and who was distinguished by such flattering testimonials from lord Hutchinson, and the other distinguished commanders under whom he had served. As to the insinuations which had gone abroad, respecting imprudent measures on his part respecting the native troops, he took upon himself to assert, that in no one instance had sir J. Craddock acted in a manner repugnant to their feelings, or contrary to the customs of the native troops. There were documents which he might bring forward to prove these assertions, and he was certainly prepared to take every step for the vindication of the character of an honourable officer, which to him, on many accounts, was extremely dear. What was the present situation of Portugal? By the intelligence arrived this day it appeared that Oporto was now in the hands of the French. He had also information on which he could rely, that a large hostile army was now pouring into Portugal, and that they were already on their march against Lisbon; that such was the impression made by the idea entertained there of the numbers and strength of this hostile force, that it had been in agitation to re-embark the British troops in that country, and to leave it to its fate; that such, however, were the exertions made by sir J. Craddock to collect the British force and so to station it as to prepare a decided resistance to the enemy, that the resolution of abandoning the country was given up. After all these efforts on the part of sir John Craddock, and at a moment when such a prospect of adding to his military fame was opened to him, could any thing be conceived more cruel to the feelings of an honourable mind, than to be removed from a command under such circumstances, and to be superseded by an officer so much his junior? He hoped his majesty's ministers would not impute any blame to sir J. Craddock on account of this expression of surprize and regret, which was wrung from his friendship for sir J. Craddock. If blame was to attach to any man on such an account, it was to himself alone, and his crime could only be his attachment to a friend,

who, in every respect, was intitled to the exertion he could make in his behalf.

"Tantum infelicem nimium dilexit amicum."

The Earl of *Liverpool* could not help considering the observations and the questions of the noble earl as an attack upon the prerogative of the crown, and as a refutation of all notion of the responsibility of ministers. The king had the command of the army, and to say, that for certain services, he should not propose certain officers recommended to him for such services by his confidential advisers, would be to take the command of the army out of his hands, and thus infringe on the prerogative of the crown. Ministers, besides, were responsible for the advice they gave his majesty on such occasions; but there would be an end to that responsibility, were they to be questioned upon the reasons why, on any particular occasion, they preferred one officer to another. He never should silently suffer such questions to be put, at least he should never answer them. With regard to sir J. Craddock, he, for one, had the highest opinion of his military character, and he believed the rest of his majesty's ministers entertained the same opinion of his services and merits; and he was happy to have this occasion of bearing the fullest testimony to the deserts of that gallant officer.

The Earl of *Limerick* was glad to hear the honourable testimony paid to the merits of gen. Craddock by the noble secretary of state; for the character of that gallant general must be peculiarly dear to his feelings.

The Earl of *Buckinghamshire*, in explanation, said that he had no intention of putting improper questions to the noble secretary; his only wish was, to draw from him the acknowledgment the noble secretary had just made of the merits and good conduct of sir J. Craddock in Portugal.

The Earl of *Liverpool* observed, that he protested against such questions being addressed to ministers, lest it should be drawn into a precedent, and that upon occasions when it might not be in the power of ministers to speak of the commander then alluded to, as he was now able to speak of the character and conduct of sir J. Craddock.

HOUSE OF COMMONS.

Friday, April 14.

[Breach of Privilege—Arrest of a Member.] Sir *C. Hamilton* rose and stated to the house that a few days ago, being in his own house, a servant in livery came there with a note, which was brought into the room to him by his own servant, on opening which he found it was from a person he did not know, and while he was telling his servant it was a mistake, and the note was not to him, Daniel Butler, the person complained of, and another man, rushed violently into the room, and Butler said he had a writ against him, which he gave him to read; that on reading it, he found it was for sir John Charles Hamilton, on which he told the officer that he had made a mistake; that his name was not John Charles, but merely Charles Hamilton; that he was not the person, and, besides all that, he was a member of parliament. The officer, however, persisted that his name was John Charles Hamilton, insisted he should go with him, and behaved with great rudeness. Finding all remonstrance vain, he agreed to go with him; but previous to doing so, he said to the officer, in the presence of all his servants: "Then you persist in my attending you, notwithstanding all I have told you?" Butler answered—Yes. "And if I don't go quietly I suppose you will force me?" Butler replied—Yes, certainly. On which sir Charles went with him to his attorney, and there the man being convinced of his error, let him go. Sir Charles said, he was informed by the attorney that he had no remedy against him by a legal prosecution, so that if he had not been a member of parliament, he must have put up with the insult. This circumstance happened in the afternoon, but neither in the course of that day nor the next did the officer send to make any apology. He thought it therefore his duty to state the transaction to the house, as it so materially concerned their privileges. He concluded by moving, "That Daniel Butler be called to the bar."

On Butler's appearing at the bar, the Speaker told him that sir Charles Hamilton having informed the house of his having arrested him, he (Butler) would state what he had to offer in his defence for having so done. The man making no answer, and having a paper in his hand, the Speaker asked him, what paper that was he held in his hand? He answered, He could not read.—Q. Did he know the contents? A. Yes.—Q. What where the contents?—Not answering, he was asked; did he write it

himself? A. No.—Q. Did he dictate it? A. No.

Mr. *Yorke* moved that he should withdraw; which having done, he moved that Butler be examined as to the statement made by sir C. Hamilton. Being called in, the Speaker asked him, "If when he arrested sir C. Hamilton, that gentleman did not endeavour to satisfy him he was not the person whom Butler came to arrest? He answered, Yes.—He was ordered to withdraw.

The *Chancellor of the Exchequer* said, he believed the house could have no doubt of this being a gross breach of privilege. The hon. baronet had evinced a most patient and forbearing spirit, and as the man had not attempted to palliate his offence by the slightest apology, he moved, "That the said Daniel Butler having arrested and insulted the said sir Charles Hamilton, as stated in the said complaint, is guilty of a high breach of the privileges of this house."—Which was agreed to *nem. con.* He then moved, "That Daniel Butler, for the said offence, be committed to Newgate."—Ordered.

[West India Produce.] Mr. *C. Ellis* observed, that all persons interested in our West India colonies, must naturally be anxious to obtain the information, which he had no doubt of his right hon. friend's inclination to take the earliest opportunity of affording, with regard to Martinique. He therefore requested to know whether any, and what engagements had been entered into upon the capitulation of that island, relative to the importation of its produce into this country, and also, if that business was left open, whether it was the intention of government to allow the produce of Martinique to be imported here upon the same footing as the produce of our own colonies, or if not, upon what terms?

The *Chancellor of the Exchequer* stated in reply, that the Gazette contained all the engagements entered into upon the capitulation of Martinique. But he had further to inform his hon. friend, that our commanders had received a peremptory order not to enter into engagements upon the subject referred to by him, and it was therefore left perfectly open. He had no difficulty in adding, that it was not the intention of government that any part of the produce of Martinique should be admitted into this country for home consumption, but merely for the purpose of exportation.

[Chelsea Hospital—Colonel Gordon.] Sir *Francis Burdett* rose, pursuant to the notice, which in his opinion he had been called upon very unnecessarily to give upon this subject, to make his promised motion. But yet he had complied with the request of a notice, as the hon. gentlemen on the other side appeared to be so ignorant of the case. At this ignorance however, he confessed himself extremely surprized, because he thought it impossible for any man to see the land upon which colonel Gordon's house was preparing to be built, or to have any idea of its situation contiguous to Chelsea hospital, and particularly to the infirmary, without being convinced that such a building should not be permitted, and that the whole bargain which gave that officer possession of this ground, ought to be revoked. It was impossible for any man to give an accurate idea of the state of this land, as it depended so much upon locality. But, from the view which he. accompanied by a member of that house, had taken of it in the course of the morning, he was enabled to assert, that such a building ought not to be tolerated. The ground upon which this building was to be erected, was, he understood, originally crown land, a long lease of which was granted to sir R. Walpole, which lease became the property of lord Yarborough. Of this lease a certain number of years were unexpired, when government thought proper to purchase it, for the benefit, avowedly, of Chelsea Hospital. But what was done after the purchase? Why, that to which he objected, as well because the proceeding would tend to spoil a magnificent establishment, as because it was a scandalous job; the effect of which would be, to deprive the Hospital of twenty times more benefit than it could confer upon the individual for whose favour it was meant. To this individual was appropriated a fine piece of land adjoining the river, which ought to have been reserved for the use of the Hospital, particularly under existing circumstances, when the great increase of our military force was so likely to render necessary an extension of the Chelsea establishment. But the alienation of this property from the Hospital, was not more to be deprecated than the manner in which it was to be used. Colonel Gordon's house was, it appeared, to be built upon the banks of the Thames, between that and the infirmary; so that this useful institution, which was already too much hemmed in by buildings and plantations, was, by colonel Gordon, to be

completely shut out from the river, so indeed as to deprive the sick soldiers of the free circulation of air. It appeared to him very extraordinary that the officers at Chelsea did not remonstrate against the matter of which he complained. The government surveyor, who was resident at Chelsea, seemed deficient in his duty in not reporting upon it. He must say also that the physician and surgeon of the infirmary ought to have pointed out the grievance to which he felt it his duty to call the attention of the house. Indeed he could hardly suppose that any member who would take the trouble of walking down and looking at the premisses, would entertain a different sense of duty. It must excite any man's complaint to see an attempt made, for the accommodation of an individual, to take away from the comfort, in old age, of a meritorious body of men who had spent the greater part of their life in a hard service. It was a pity that such men should be inconvenienced for the mere purpose of a job, or at least of that which had all the appearance of a job. He should be happy if ministers could explain the business, so as to remove the impression upon his mind, that it was deserving of this character. But if they could not, sure he was, that it would appear to any visitor, as it did to him, that an infirmary appropriated to our sick soldiery, was cooped up, was deprived of the free air, so essential to their recovery, merely for the purpose of gratifying an individual. The course he meant to pursue was, first to move for a Copy of the Warrant of the Treasury, under which the grant of the land alluded to was made to col. Gordon; which warrant was, it appears, dated the 11th of March, 1809. When this Warrant should be laid before the house, he had it in contemplation to move, that the physician and surgeon of the Hospital should be called to the bar, in order to their examination as to the consequences likely to result to the sick from such a structure as that of col. Gordon, by whom it was designed to erect a wall eight feet high between his ground and the infirmary.—The motion being read,

Mr. *Long* rose and said, that as one of the Commissioners for superintending the concerns of Chelsea Hospital, he felt it his duty to pay every possible attention to the comforts of the meritorious persons resident therein; and he was certain that such also was the feeling of all his colleagues. In consequence, therefore, of the representation of Dr. Moseley, the physician to the Hospital, that an infirmary was much wanted, it being inconvenient to have the sick placed at the top of the hospital, the lease of the ground alluded to was purchased. Of this ground, all that was deemed necessary by the architect, or the medical men, was set apart for an infirmary, which was accordingly erected; and if all the ground had been required it would have been so appropriated: for the ground which remained, col. Gordon, it appeared, presented a Memorial to the Treasury, tendering terms for a lease of it. The Surveyor-General, as was usual in all cases with regard to Crown Lands, was ordered to make a Report as to the value of the ground bid for by col. Gordon, and when the Report was made according to the tenor of the act, the application of that officer was complied with, but upon terms different from those he had originally proposed. The hon. baronet was, no doubt, aware that it was open to any other person to bid for this land. According to the act introduced by Mr. Pitt in 1794, to regulate the disposal of Crown Lands, it was enacted, that it should be referred to the Surveyor General to inquire as to the value of any such land about to be let, and that two Surveyors should swear to that value, before the Treasury should dispose of it. All those enactments had been complied with in this transaction, and therefore, if the hon. baronet would complain, his complaint must apply to the act. So far from the contract with col. Gordon being objectionable, he really believed, that if the ground had been put up at public auction, better terms could not be obtained for it. This was so strongly his impression, and he also thought any complaint relative to the hospital so groundless, that he was fully inclined to think, that when all the papers connected with the business were laid before the house, the hon. baronet himself would feel the propriety of declining to take any further proceeding upon it. The fact was, that there was but a small piece of this ground fit for building upon, the remainder being made ground for gardens.—The right hon. gent. asssured the house that as much of this ground had been set apart for the purpose of the Infirmary as the Surveyor General and the medical gentlemen thought necessary. Every care was taken to guard that building against any inconvenience. To the

production of the papers moved for by the hon. baronet he could have no objection. But he would move for other papers, in order that the house should be enabled to understand the whole of the case. He would move for Copies of the Report of the Surveyor General, with that of the Surveyors who valued the land; and when these papers should be laid before the house, he was confident that it would clearly appear there was no foundation for denominating this transaction a job.

Sir *Oswald Moseley* said, that having accompanied the hon. baronet to view the premisses to which the motion alluded, he was enabled to confirm his statement. The infirmary, which did not in fact occupy one-tenth of the ground purchased professedly for the use of the hospital, would, he must contend, be entirely precluded from the free air of the river by the projected buildings of col. Gordon, who occupied the remainder of this ground. In fact, col. Gordon's was by far the superior part of the ground, and that upon which the infirmary was built appeared quite damp and cold, and it must be rendered more so, if col. Gordon should be suffered to proceed.

Mr. *Long* observed, that there was a special provision in the lease granted to col. Gordon, that he should not build or plant in any way to inconvenience the infirmary. So that particular care was taken to guard against such evil as the hon. baronet had alledged to exist.

Mr. *Huskisson* generally supported the argument and statement of Mr. Long, and stated further, that the plan of the infirmary had been transmitted to the Treasury by the governors, physician, and surveyor, and they had fixed on the spot as the most convenient and best situation. Whether they were as well able to judge and determine on that head, as the hon. bart. and the hon. seconder of the motion, he would not determine. The hon. baronet had mentioned the corner in which they were cooped up as not a twentieth part of the ground granted to col. Gordon. Now, the surveyors had on oath valued the land for the infirmary at 6,000*l.* and on the same oath the land of col. Gordon was only valued at 52*l.* a year. Col. Gordon having been informed by sir David Dundas, perhaps, or some other officer of Chelsea Hospital, that the land in question was to be let for building on, had offered the terms of the valuation, and if the hon. baronet had applied and offered more than any other, he would have had it. The Treasury had been cautious that no house should be built so as to annoy Chelsea Hospital, and a particular instruction had been given on that head to the surveyor-general. The provision papers, he said, would embrace all the particulars relating to this ground, from the time of the purchase to the period of the grant to col. Gordon; and when they were produced, the hon. baronet would have no occasion to make his motion, or to call the surveyor or surgeon to the bar of that house.

Sir *John Newport* wished to be informed why it was, that, when a subsisting interest had been bought up with public money, that part of the land, which was not deemed necessary for the use of Chelsea Hospital, had been transferred to the crown lands, and not to the funds of the hospital, in as much as the lands had been originally granted for ever by the crown to the trustees of that institution?

Mr. *Huskisson* informed the hon. baronet, that the land in question, though part of the Chelsea estate, from which the grant had been made by the crown to the Chelsea Hospital, had never been granted to that institution. A lease had been granted by the crown of this land to sir Robert Walpole, and it was the residue of the term so granted that had been bought up with the public money. That part, however, of the land, which was thought necessary for the Infirmary for the hospital, had been purchased to be transferred to the use of the hospital.

Sir *John Newport* observed, that any mistake he might have fallen into had arisen from the imperfect statement of the hon. gent. himself.

The *Chancellor of the Exchequer* maintained, that the hon. baronet had no ground for the observation, that it was in consequence of the ignorance of his friends, relative to this transaction, that the hon. baronet was called upon yesterday to give notice of this motion. For although his noble friend (lord Castlereagh) was unacquainted with it, as he must be naturally supposed, having no connection with it, still nearly the same explanation had been given to the hon. baronet yesterday, which the house had heard to-day. But yet he was happy that the notice was called for. He esteemed that rule of proceeding, because it guarded the house, or, at least, those who might be particularly interested, against being taken by surprize; but it did more; by apprizing persons of an in-

tended motion, those likely to be affected by it, and particularly ministers, means might be taken to counteract statements, which would otherwise go forward uncontradicted, to produce inflammatory impressions—the only object possible, in some cases, of bringing them forward. The hon. baronet was constantly jealous of persons in office. Perhaps it was a very laudable jealousy, and he did not mean to quarrel with it. But he could not help observing, that the hon. baronet looked at every thing proceeding from administration with a very prejudiced, jaundiced eye. If not, how could the hon. baronet designate the transaction under discussion as a scandalous job? How could he think of inflaming the public mind by such an assertion, without having, as it appeared, taken any trouble to enquire into the circumstances? Why, without such enquiry, endeavour to produce the impression out of doors, that in order to gratify some favoured individual, the poor sick pensioners were exposed to inconvenience, as if there was no feeling for the fate of these men but in the breast of the hon. baronet? But, let gentlemen consider the plain state of this case. It appeared, that a lot of ground was purchased for the use of the Infirmary, at Chelsea. Upon this ground the Infirmary was built, and a certain proportion of the ground remaining was unappropriated. This was the proportion disposed of to col. Gordon. If such a disposition had not been made; if the remainder of this ground had been left useless and unproductive, how probable was it that, with the jaundiced eye of the hon. baronet directed towards all ministerial measures, he would have come down to that house to complain, that ministers, that those who, in his opinion, forfeited all public confidence, by endeavouring to serve the public in office, were such improvident stewards of the public property, that they had left a certain portion of land utterly useless and unoccupied, which might have been let on good terms? But in all future dispositions of crown lands, the hon. baronet, he supposed, would rather that ministers should consult him than the surveyors appointed by law. To this idea, however, with all respect for the hon. baronet's judgment in such matters, he could not accede. The right hon. gent. concluded with expressing his confidence, that when the papers moved for were produced, they would serve to refute all the aspersions which the hon. baronet had thought proper to fling out against his majesty's ministers.

General *Tarleton* thought the hon. baronet entitled to the highest thanks for calling the attention of the house to this subject. Any attempt to diminish the convenience, or even to interfere with the beauty, of Chelsea Hospital, he should most strenuously deprecate. That building he considered as a splendid monument of the benevolence, and a gratification to the pride, of the country. It furnished accommodation to the old, and encouragement to the young soldier; and therefore every friend to the army must be anxious to preserve it unimpaired. Certainly, nothing that could tend in the remotest degree to reduce its comforts, ought to be even risked for such a sum as 52*l.* a year. But he hoped the evil complained of would be removed. Neither the receipt of rent, however considerable, nor the merit of any officer however distinguished, should reconcile him to any grant likely to interfere with the comforts of the meritorious body who occupied Chelsea Hospital. The hon. officer concluded with stating, that he should be happy to find that the papers did justify the confident language of the right hon. gent. who spoke last; but if not, he declared his intention to support the hon. baronet in his motion for bringing the Surveyors and the Medical Gentlemen of the Hospital to the bar, to be examined upon this subject.

Mr. *Rose* observed, that one would suppose from the arguments of the hon. general, that something had been taken from Chelsea Hospital to be given to a favoured officer; whereas the fact was, that when this ground was bought by government, it was left to the physician of the Hospital, the trustees, and the surveyors, to cut and carve out of it what they thought necessary for the use of the Hospital. Before the 34th of the king, the disposal of crown lands was a source of influence to ministers; but since the passing of that act, the crown lands had been let with as much attention to the interests of the public, and as accurate regard to their actual value, as the lands of any bishop, or corporate body in the kingdom.

General *Tarleton* said, he had not stated that any thing was granted from Chelsea Hospital to a favoured officer. He had only said, that he would not consent to a grant to any officer living or dead, which would be injurious to that Hospital.

Mr. *Biddulph* was glad that the atten-

tion of the house had been called to this subject, because it must be productive of one good effect; that it would induce gentlemen to look into the provisions of the act of the 34th of the king, under which the disposition alluded to took place. In his opinion, a much more beneficial arrangement than that act prescribed might be provided to regulate the disposal of crown lands. That act was originally introduced upon the alledged ground of guarding against the influence of the crown; but it appeared to him, that there was still left quite scope enough for that influence to operate. The land was never advertised, and the bargains were close. Now, instead of such a mode of proceeding, he would have the land advertised, take the surveyor's report, and then sell the land by public auction. This struck his mind as a much more beneficial plan for managing the crown lands than that which was now pursued.

Sir *Francis Burdett* expressed a hope that he should experience the indulgence of the house whilst he took some notice of the allusions which the right hon. the Chancellor of the Exchequer had thought proper to make to his general conduct. Those allusions were so foreign to the question before the house, and so irregular in other points of view, that he really should have hoped that the eye of the chairman would have caught that of the right hon. gent. and checked him in his high career, when imputing improper motives to the conduct of any member. This observation he made, he could assure the right hon. gent. without any feeling of that indignant warmth which appeared to actuate him. Arrogance might be imputed to him for pronouncing any opinion upon the subject of the building referred to, without inquiring about the reports of the architects and surveyors. But if he had incurred such an imputation before, he feared that still more arrogance would be imputed to him when he declared, that after hearing all that had been said explanatory of the reports, so much relied upon by the gentlemen on the other side, he continued to retain the same opinion. The right hon. gent. became, he perceived, quite angry when he talked about attaching a feeling of suspicion to the whole conduct of ministers. For himself, he was ready to say, that he should be sorry for the existence of such a feeling if undeserved; but from experience he must say, that he was highly glad to see that such a feeling prevailed, because he thought that it rested upon good grounds, and that the public mind had been too long deceived.—One right hon. defender of the transaction to which his motion referred, had stated, that the ground sold to colonel Gordon was unfit to build upon. Now, he would ask that right hon. gent. how it came that if this ground was fit for the building of col. Gordon, it was not for that of Chelsea hospital? As to the report of the physicians, it was impossible, he thought, that they could consider an Infirmary, occupying in the whole not more than a quarter of an acre of ground, as benefitted, or rather as uninjured, by a wall 8 feet high, built in such a position as to interrupt the free circulation of air. Sure he was, that no man of common sense could subscribe to the opinion. But, that such an institution should be subjected to such an inconvenience for the paltry consideration of 52*l.* a year, the idea was intolerable! He would rather pay that sum out of his own pocket, than suffer such a grievance, than allow it to exist, if it were only to prevent a magnificent public edifice from being deformed, much less to preserve the comforts of a meritorious body of veterans. Among those who attempted to argue against him he could not help noticing the hyperbole of the hon. gent. (Mr. Huskisson) in his allusion to slave ships. Now, having said nothing whatever to warrant such an allusion, it was therefore quite misrepresentation; and such misrepresentation of an opponent's argument always furnished a presumption that the person using it was wrong.—After describing the situation of the ground upon which colonel Gordon was preparing to build, the hon. baronet said, that he knew many gentlemen who would, he had no doubt, be ready to give 10,000*l.* for it. With regard to the remarks of the Chancellor of the Exchequer, that he looked at the whole conduct of ministers with a jaundiced eye, he assured the right hon. gent. that, on the contrary, he had no wish whatever to hamper or to supersede them. He had said often elsewhere what he would then repeat, that he thought them even as good ministers, under the present system, as any other set of gentlemen he knew were likely to make. But still he looked at them with jealousy, as he would at any ministers, and that jealousy was the natural result of the conviction upon his mind, that the public interests had not, for many years back, been attended to as they ought. When the right hon. gent. expressed his apprehension that

if this ground had not been let, he (Sir F.) was such a captious person, that probably he would have brought forward a complaint against ministers for being so improvident, he would appeal to the house, whether he had manifested any disposition to warrant such an apprehension; whether, in fact, he had ever been in the habit of bringing forward such motions? He should feel much better pleased if he could consistently agree with the majority of any assembly in which he happened to sit, but while he could not do so, he would never shrink from his duty, however painful the task of performing it. As to official forms, which had been dwelt upon by the hon. secretary, the hon. baronet allowed that recent experience shewed that all those forms might be strictly complied with, while the grossest mal-practices were going forward.—After recapitulating and enforcing his arguments, the hon. baronet persisted in his intention to call the persons to the bar, who were most competent to inform the house upon this transaction, which he continued to consider a scandalous job; which, leaving the Infirmary entirely out of the question, ought not to be disposed of in a way that would take from the beauty of the hospital. The hon. baronet approved of the idea thrown out by his hon. friend, of moving that a plan of the grounds alluded to should be laid before the house. But he would recommend gentlemen to go, as he had done, to look at the building under consideration, and their own observations would, he was confident, serve more to convince their minds than any argument that could be offered upon the subject.

The *Chancellor of the Exchequer* in explanation stated, that he did not mean to impute any improper motives to the hon. baronet. If he had done so, he was ready to apologise to the house and to him. At the same time, the hon. baronet must expect the language of irritation from him, when he characterized as a job a transaction in which he had been concerned.

Mr. *Sturges Bourne* observed, that all that had been required for Chelsea hospital was granted. If those more particularly connected with the hospital had desired the whole of this ground, they would have had it. He could conceive no motive that could have induced them to ask less than was really wanted. The Treasury, he contended, had throughout strictly performed their duty, and had expressly restrained the lessee from building houses, or planting trees in any situation where they might be in the slightest degree inconvenient to the purposes of the hospital.

Mr. *G. Vansittart* wished to be informed what was the quantity of land transferred to the hospital, and what the quantity let to col. Gordon.

Mr. *Huskisson* replied, that this would appear when the plan and the papers were before the house.

Sir *F. Burdett* replied, that it consisted of four acres and a quarter, of which the quarter had been assigned to the hospital, and the four acres to col. Gordon. (Hear! hear!)

Mr. *Stewart Wortley* observed, that the Treasury had acted with all the precautions required by the act of parliament. It was a serious thing to bring a charge against the Treasury of having been engaged in a scandalous job, and then to say that the hon. baronet had been unacquainted with the circumstances under which they had acted.

Mr. *P. Moore* said, that all who were interested in Chelsea Hospital, were greatly obliged to the hon. baronet for having brought forward this business. Of all the things wanted for an Infirmary, fresh air was the most requisite, and he hoped the building on this ground would not be permitted to proceed until some further inquiry was made. He also expressed his wish that the terms on which the lease had been purchased by the Treasury from lord Yarborough, should be stated, because this appeared necessary for the purpose of comparison, and would contribute materially to the attaining of correct views on the subject. He even thought it might be advisable to move for the proper documents on that point.

The motion of sir Francis Burdett was then put and carried.

Mr. *Huskisson*, in moving for the other papers, said, that he need not trouble the house with much farther observation. He denied, however, that the Infirmary would be cooped up in the manner described by the hon. baronet. He stated that the sum which had been paid to lord Yarborough, upon the report of the Surveyor, was 5,000*l.* but he saw no reason for calling for the documents. He concluded by moving for a Copy of the Letter of the Secretary of Chelsea Hospital to the Treasury, soliciting a grant of part of this ground for an Infirmary: for the Letter from col. Gordon for the lease, for the Warrant to the Surveyor to examine the ground; for

the report of the Surveyor, and other documents to shew the course of the transaction.

Mr. *P. Moore* remarked upon the extraordinary nature of the proceeding in this case, where 5,000*l.* was admitted to have been given of four acres and a quarter of land, of which the quarter only had been assigned to the hospital, while the four acres were given to col. Gordon at 52*l.* a year. (Hear! hear!) This he thought a matter for serious inquiry; for if the business was not a scandalous job, it had at least been conducted in a dark corner.

The motions were then agreed to.

[ADMIRAL HARVEY.] Mr. Robert Ward stated at the bar, that the Admiralty had found it necessary to issue its Warrant to take rear admiral Harvey into custody, in order to stand his trial before a Court-Martial, under charges of a breach of naval discipline, exhibited against him by lord Gambier. As admiral Harvey was a member of the house, it had been thought a mark of just respect to state the circumstance, and lay a Copy of the Warrant on the table.—The Speaker ordered the Warrant to be delivered in at the table.—The clerk read the Warrant, which purported that the proper officer was to take admiral Harvey into custody, and to bring him before a Court Martial, to be held at Portsmouth on Monday the 1st of May next, or as soon after as a Court Martial could be assembled, to answer to charges exhibited against him by lord Gambier. It also intimated, that it was not the intention of the Admiralty that the confinement of admiral Harvey should extend any farther than he should give his honour to appear before the court.

[BOARD OF CONTROUL.]—Mr. *Creevey* rose pursuant to notice, to move for copies of the Minutes of the Treasury, assigning an Official Residence in Downing-street to the President of the Board of Controul. If the fact was true that such a residence had been assigned, he was prepared to contend that it was against law. In the mean time he should content himself with moving for the Minutes.—He moved accordingly.

The *Chancellor of the Exchequer* admitted the fact, and stated that the house in question had been in the occupation of sir Charles Morgan, the late Judge-Advocate, who had been permitted to retain it after the resignation of his situation till the time of his death. A salary of 500*l.* a-year had been granted to his successor in lieu of the house. When the house became vacant, it was thought that it was impossible to turn it to better purpose than to assign it as an official residence to the President of the Board of Controul, as an additional emolument to a most important office, the duties of which were very inadequately paid. He had no objection however to the production of whatever papers were necessary to illustrate this transaction.—The motion was then agreed to.

[VOTE OF THANKS TO THE CAPTORS OF MARTINIQUE.] Lord *Castlereagh* rose pursuant to his notice of yesterday, to call the attention of the house to the merits of that part of the army and navy which had effected the conquest of Martinique. This he stated was not the first time that the gratitude of parliament had been expressed to the Conquerors of Martinique; and that service had certainly never been effected in a manner more honourable in every point of view, to those who had been employed in it, than on the present occasion. Whether the house regarded the whole course of proceeding, or the shortness of the time in which the conquest had been accomplished, the service must be considered as having been performed in a way that called for the best acknowledgments of parliament. It was a most important feature in this transaction, that it had not interfered with other services; that it had been accomplished without an armament from Europe, which had on former occasions been required, but that the ability of the officers abroad had been adequate to the purpose without any effort from home. It was a proud circumstance in the military situation of the country, that this conquest had been effected in the West Indies, while 50,000 men were employed abroad in Europe. The time was so short, and the operations were all conducted with such activity, that it was impossible to look at the whole without admiration. Throughout the whole of the business, the troops had displayed signal instances of valour, as they always did when opportunity offered. But there was another feature in the conduct of this expedition, which was highly creditable to those who had the management of it, viz. That the conquest had been accomplished without that injury to the health of the troops which had usually attended West India service. But so careful had the officers been, that on this occasion the

health of the troops had been as perfect as if they had never moved from their cantonments; indeed, as perfect as if the service had been effected in a more temperate climate. But this service had not only been accomplished in a manner the most meritorious in a military point of view. It had been equally well conducted in every other light in which it could be regarded. No stipulation had been admitted which could preclude any regulations which his majesty might see fit to adopt with respect to the island; and the inhabitants, who had shewn a good-will to the British cause, had been treated with every possible kindness. Every thing, therefore, proved the claim of the officers and troops to the thanks of the house. In every branch of the service the utmost zeal and activity had been displayed; and the two services had acted together with that unanimity and cordiality which was the surest pledge of success. He concluded by moving the following Resolutions:—1. "That the thanks of the house be given to lieut. gen. George Beckwith, for his able and gallant conduct in effecting the conquest of Martinique. 2. That the thanks of this house be given to rear-admiral sir Alexander Cochrane, k. b. for his able and meritorious direction of the naval force in effecting the conquest of Martinique. 3. That the thanks of the house be given to lieut. gen. sir G. Prevost, to gen. Maitland, &c. &c. for their gallant and meritorious services in effecting the conquest of Martinique. 4. That the thanks of the house be given to commodore Colburne, the captains and officers of the fleet, for their meritorious conduct in the same service. 5. That the house acknowledges the zeal and good conduct of the non-commissioned officers and soldiers in effecting the conquest. 6. That the house acknowledges the good conduct of the sailors and marines in the same services." All these Resolutions were agreed to nem. con.

[Bankrupt Laws Bill.] On the motion of sir Samuel Romilly, the house went into a Committee on the Bankrupt Laws bill.

Mr. *Jacob* made some objections to the clause respecting the appointment of Assignees, to which he proposed making some amendments.

Sir *Samuel Romilly* said, that no remedy was at present proposed, and considering the advanced state of the session, and the great consideration which a bill of this kind required, he could not consent to any alteration. The remedy of the hon. gent. was not even matured; and if it was, he understood it was intended to be modelled on a plan which had been brought into the house of lords last session, and which had been thrown out there on account of its ineligibility.

A long discussion took place on the wording of the clause for empowering the Commissioners to summon the Assignees, even before a dividend, to deposit the money they received in the hands of a banker. The Clause was however finally agreed to as proposed, without any amendment.—The wording of the next Clause, for allowing sureties, and acceptors of bills who should pay their debts after the Commission, to prove under the Commission produced a very considerable discussion, and an amendment was agreed to. —After some further clauses were gone through, the Chairman reported progress, and had leave to sit again.

HOUSE OF COMMONS.

Monday, April 17.

[Committee to inquire into Abuses, &c.] Lord *Folkestone*, on the order of the day being read for taking into further consideration the Minutes of Evidence respecting the Conduct of the Duke of York, rose. He said, he should trouble the house only with a few words. Indeed, he thought it impossible that the house should not see the nature of the motion he had now to submit to them. The house would recollect that in the course of the Inquiry on which they had lately been engaged, other matters had come out not immediately affecting the Commander in Chief. It was obvious from the evidence which the house had heard, that great abuses prevailed in various departments of the state. He did not allude to the fact, that it had come out that improper uses had been made of the patronage of the East India Company, which had given rise to an Inquiry, which again had produced a voluminous Report, crowded with instances of the abuse of the patronage of that Company. The Evidence adduced before the Committee, also proved that abuses existed in other important departments of the state. It shewed that there were a certain number of men employed as agents in the disposal of offices in every department of the state. It was impossible for the house to allow such a scandalous practice to prevail without inquiry.

Such inquiry was necessary, in order not only to punish those who were guilty of the practice, but to apply a remedy to the evil. Other facts likewise came out as to complaints in the practice of the army; that the Commissions in that service were disposed of by brokers, contrary to the regulations of the Commander in Chief. Another abuse was also disclosed in regard to Levies, of which an instance was before the house in the case of colonel French's Levy. Here mal-practices of the most serious sort had been exposed, and it appeared from the evidence of the person best acquainted with the nature of the abuses, that the most minute attention was not sufficient to prevent them. It was impossible therefore, he presumed to think, that the house could refuse its attention to the nature and abuses of those other Levies. When his lordship gave notice of his motion on this subject, he did so only from the feeling at the time of the existence, from what the house had heard, of other abuses which from the nature of their inquiry they were then precluded from going into. Circumstances, however, had since occurred, to afford great additional reason for going into the inquiry for which it was now his object to move. The evidence adduced before the East India Committee, he thought it impossible to read and not to see that there were other abuses in the various departments of the state, and that these abuses were proceeding to a great extent. On these grounds he was of opinion, that the house was called on to institute an Inquiry into these points, and to see that the abuses were remedied wherever they should be found to exist. He therefore moved, "That a Committee be appointed to enquire into the existence of any corrupt practices with regard to the disposal of Offices in any department of the state, or any agreement, negociation, or bargain, direct or indirect, for the sale thereof; and of any corrupt practices relative to the purchase and sale of Commissions in the Army; and also, to examine into the terms on which Letters of Service have been granted for raising men for the Army by way of Levies, and the manner in which the said Levies have been conducted; and to report the same, as it shall appear to them, to the house, together with their observations thereupon; and that the said Committee have power to report the Minutes of Evidence taken before them, and their proceedings, from time to time, to the house."

The *Chancellor of the Exchequer* said, he could not allow the present motion to be put without declaring his opinion that it was by no means advisable for the house to agree to it. The noble lord grounded his motion on the Evidence brought before the Committee appointed to inquire into the Conduct of the Duke of York, on these two grounds, that by farther inquiry other individuals might be found out who might be brought to censure or punishment; and that such inquiry would prevent the recurrence of similar abuses in time to come. The noble lord seemed to think a general inquiry necessary without any specific grounds of charge being assigned. Now, he was of opinion, that such inquiry could not go to an investigation into the conduct of every individual who might have by chance been concerned in the disposal of any offices. There might be a variety of instances in which persons might have erected themselves into a sort of agency concern, misrepresenting themselves to be authorised by this person and the other who had power to dispose of offices, while with such persons they had no concern; and in this manner might procure money under the pretence of using their interest with the person who had the actual power of disposing of the office in question, while of this proceeding the person having the gift of the office was utterly ignorant. It might also happen, that the person who had the power of disposing of an office might, as in the case of Mr. Thellusson, give it to a near relation or friend in whom he had confidence, but which might be abused. If the Committee were to institute inquiries of this kind, they would be investigating what they had no right to punish. Any farther inquiry, therefore, he submitted, was not desirable. He asked, was it convenient or politic to set on foot an inquiry into all abuses that might or might not have happened, for the sake of keeping the public mind in a ferment? (A laugh.) Gentlemen might laugh. He was satisfied that there were, on the other side, gentlemen who would not agree with him in this opinion. He believed that these gentlemen, from no improper feeling whatever, were of opinion that nothing was to be apprehended from the keeping alive this spirit among the people. He therefore was not surprised that they should differ from him. But, he had stated what he believed, that there was no reason to suppose that there were such abuses to be detected as those which the noble lord

suspected, and he submitted it to the feeling of the house, if from the expectation of discovering abuses, they would agree to set on foot an inquiry. He was of opinion it would not be expedient or proper to do so, and he hoped the house would consider before they assented to it. The other object of the noble lord was to prevent any farther abuses. The house had a notice of this already before them; and farther inquiry might only produce farther evidence to the same effect, without shewing any new or more extended system of abuse. On this subject, however, there was a Bill before the house, which he had introduced the day before the recess. He hoped it would be found adequate to every object which might seem to be required; at all events, it was in the power of the house, and of the noble lord himself, to consider how far it should be extended. He was, therefore, on the whole, of opinion, that the inquiry proposed would neither be beneficial nor politic. No particular statement of delinquency had been brought forward, and to a general statement the house could not listen, especially after the Parliamentary Inquiry which had lately taken place.

Lord *Archibald Hamilton*. Sir; I can by no means agree that the discoveries made in the course of the Evidence brought before the house were of that loose and insignificant kind as to require no farther inquiry and elucidation. On the contrary, I consider farther inquiry indispensible. The right hon. gent. deprecates the idea of keeping the spirit of the people alive, or, as he terms it, in a ferment. The ferment will certainly be increased, and not diminished, if you attempt to stifle further inquiry. That ferment will, by such attempt, most certainly be still further inflamed. If corruption does exist, can the Chancellor of the Exchequer think that no danger is to be apprehended to this country? Does he think that, if such ferment really exists, it would not be more wise to detect, expose, and punish those abuses which are so strongly suspected to exist? As to the alarming extent of the powers of this Committee—they are, it is true, extensive and general, but they may be revoked at the pleasure of this house.—With respect to the dangers to be apprehended from the fermentation in the minds of the people—those dangers, I will venture to assert, are infinitely less to be dreaded than what must ensue from the people discovering our unwillingness to prosecute inquiry into corruption and abuses.—The only way to satisfy the people, and reconcile them to the endurance of the enormous burdens they sustain, is to shew them that we are sincere in our prosecution of those inquiries that will lead to a general reformation of abuses.

Lord *Folkestone* said, that although the speech of his noble friend had rendered it less necessary for him to trouble the house, yet he wished to say a few words. As to the Bill alluded to by the right hon. gent., he could say nothing, as it was not before the house. It was rather strange, however, that the house should be told to act upon a measure of which they knew nothing; and even if its provisions were known, he submitted that the house must be legislating in the dark, without further inquiry. His lordship submitted that it was impossible for any gentleman to read these proceedings and not to see that farther inquiry must follow on them. The right hon. gent. had said, however, that though inquiry did follow, the law would not reach the parties concerned. The house, however, he trusted, had more than one way of proceeding and would not allow its own labours to fall to the ground. If it was at all politic or convenient for the house to enter into the investigation of abuses: if every thing was fair and proper, the right hon. gent. himself ought to be the first to support the motion, and to convince the people that the abuses alledged did not exist. The right hon. gent. had said that he was afraid of continuing the ferment on the public mind; but as his noble friend had properly asked the right hon. gent., Which was the better way to allay this ferment; to go into, or to refuse to go into, the investigation of the abuses said to exist? The impression on the public mind was that these abuses did exist to a great degree. He called on the house to go into the inquiry, and if they did exist to punish the persons guilty of them; if not, to set the government to rights in the eyes of the people, by convincing them that it had been belied. This should be the conduct of the right hon. gent, whether he thought the abuses did exist or not. He ought, in either event, to feel anxious that the investigation should be gone into; and such, the noble lord insisted, would be his conduct, if he were not afraid of inquiry. On the contrary, he, the friend and associate of the alleged culprits, was found strenuously opposing investigation of every kind.

Lord *Henry Petty*, agreeing as he did, with some of the observations of the right hon. the Chancellor of the Exchequer, must differ from him in thinking that a prospective measure was all which the house or the country could require on a perusal of the evidence before them. Though he, therefore, agreed with the noble lord who brought forward the present motion in thinking that some farther inquiry, arising out of the evidence on the table, was not only proper but necessary, he must at the same time differ from him on the motion as worded. What he felt a reluctance in acceding to was in the extent of the trust which by the present motion parliament was called on to delegate to a committee. He came down to the house expecting that the motion would be for a reference to a committee to inquire into certain facts contained in the Minutes of Evidence, and pointed out by the house to the committee to be by them inquired into. As the motion stood, however, it would be for every member of that committee to suggest to the committee what facts they should go into. This was a power which the noble lord contended could not be given to any committee, as the house was not entitled to part with any of the powers which it could exercise itself; and he submitted, if there was any power which it could delegate to a committee, which would not be better exercised by the house itself. If he looked to the motion, it extended to every thing, and to every department. He did not say that it would not be right that such investigation should take place, if the particular facts to be inquired into, and on which the reference to a committee was founded, were pointed out and referred to; but he could not agree to confide so general and extensive a power to any committee. His lordship was willing to support any specific motion, founded on any specific fact developed in the Minutes of Evidence, whether the motion were made by the noble lord or by any person else. In the present spirit of the public mind, he was disposed for inquiry of every kind; but when he looked to such instances as his memory furnished him with of the house instituting general inquiries, he could not forbear from thinking that they almost all proved abortive. His lordship particularly alluded to the Tory Administration in the reign of queen Anne, and the committee appointed to enquire into sir R. Walpole's administration, neither of which had produced any general good. He therefore thought it better that the house should determine itself to discharge this meritorious duty, more particularly at a moment like the present, instead of referring it to any committee. In doing so they would pursue a course more conformable to the practice of the house, and better calculated for the public good. In appointing a committee such as that now proposed, the house would be conferring on them accusatory powers, which he was satisfied it would be far from their intention to do. If, however, the noble lord would limit his motion to any one specific enquiry, he should support it.

Mr. *Whitbread*.—I feel it, Sir, impossible to give a silent vote on a question of such high importance as the motion of the noble lord, and more especially as I conceive that what has been urged in the course of this debate, so far from amounting to a justification of the conduct of the Chancellor of the Exchequer, only tends more strongly to shew that a general inquiry is absolutely necessary. The existence of general abuses, is not now pretended to be denied—that time is gone by. In the levity of which the Chancellor of the Exchequer complained, in one part of his speech, I felt no disposition to concur; I am not disposed, at any time, to treat with levity, any thing that is said by that right hon. gent., and least of all at this moment, when the serious situation in which we stand calls for our most serious and profound attention. The Chancellor of the Exchequer has acknowledged, that, if inquiry should be instituted, abuses might possibly be traced. This fact I take it, he has admitted—I shall, however, at any rate, myself assume it. Whatever may be the sentiments in this house, there can be no doubt, that out of it there is an universal feeling of the people, that various mal-practices would be brought to light by the institution of a general inquiry, such as that which has been moved for by the noble lord. But the Chancellor of the Exchequer has argued, that even admitting abuses to be discovered, he should think the appointment of a Committee useless.—'It is not,' says he, the 'punishment of past grievances which we should so ardently seek, as remedies and preventives of a repetition of such abuses.' Against this, he tells us, it is the very object and foundation of his Bill to provide.

But much as we know, I must be allowed to question the possibility of his framing any Bill on this subject, which shall be effectual in its provisions, unless we shall first be informed of much more than has hitherto come to our knowledge. And here I conceive the argument which was made use of by the noble lord, to be unanswerable. How can you tell, says he, in what manner to frame a Bill to prevent the repetition of abuses, the nature and full extent of which are yet undiscovered? The Chancellor of the Exchequer has told us that before the investigation which has occupied so much of our time and attention, he was informed of certain nuisances in the city. He had heard of the office of Messrs. Pollman and Keylock, who were able to dispose of an extensive patronage, for the most corrupt of all things, money, the grand source and medium of all corruption. Now when the existence of that office was first mentioned in this house, it was received with universal levity, it was laughed at on all sides of the house. But the right hon. gent. on that occasion, so far from betraying the least consciousness of the existence of any such office, did not even countenance the possibility that the representation which was then made could have the slightest foundation; and he laughed, with the rest, at a statement which was so generally received as improbable. That these gents. Messrs. Pollman and Keylock, had carried on this sale of patronage for years, was very well known; and no attempt was made to put a stop to practices so nefarious, no inquiry was ever instituted; till at length, when the investigation took place, it suggested itself to the right hon. gentleman to put a stop to that species of traffic, by the introduction of his promised bill. Now will any gentleman pretend to say, that these negociators of patronage may not, somewhere or other, have connections either in the army, or the navy, or in the civil departments of the state; for their negociations it seems were almost universal, which it is highly desirable for this house to know. When it is considered what facts have come to light with respect to East India patronage, when we reflect on the names that have come out on the inquiry into that subject—can the right hon. gent. affect surprize that the public mind should be in a state of ferment? The public are alarmed, sir, at the discoveries that have been made; and unless we shew them by our proceedings that every thing will be investigated; that every delinquency will be dragged forth to public view and punished, if not by the immediate sentence of the law, by the censure and contempt of this house, a punishment exceeding perhaps any which the law can inflict; I say, unless we convince the public of our sincerity in the pursuit and prosecution of corruption, it is wholly unreasonable, nay absurd, to expect that the popular ferment of which the right hon. gent. has so pathetically complained, should subside. But above all, to endeavour to shelter or screen delinquencies, by precluding inquiry, on the ground of the too great generality of the motion of the noble lord, is a procedure which I do assert to be pregnant with the most imminent danger. I do not deny that the motion might have been in terms more definite, and more specific; but I solemnly declare, that I do not see any thing in the nature or expressions of the motion which can form any reason why I should vote against it. It is alledged, that the power to be granted to a committee, if this motion should be agreed to, is indefinite, and greatly too extensive. But I would ask, is it not in our power to make a selection from amongst the members of this house, of men deserving of our confidence, to sit on that committee? Can we not change, and even dissolve that committee at our pleasure? Sir, I do think that twenty-one persons may be found in this house, to whom this general power may with great safety be delegated, even admitting the extent of such power to be of importance fully commensurate with what has been stated by the Chancellor of the Exchequer. Such a power vested in a committee could never be attended with the slightest danger, or even inconvenience, being at all times under our immediate controul, and revokable the moment that an inconvenience, or even apprehension was felt, from the manner in which it might be exercised. I cannot but think that my noble friend (lord Henry Petty) has taken a wrong view of the subject:—such a committee would not be furnished with the power of accusation; the members of that committee would not become the public accusers; their province would be simply to investigate; and having investigated, to report, where they should see occasion, matter of accusation, subject to the consideration and decision of the house of commons. For my own part, I most sin-

cerely wish that I could feel a doubt, whether matter of accusation would probably be found by such a committee; but I deeply lament the necessity I am under of stating my firm belief, that there would be found much matter and strong ground for accusation, in instances almost innumerable; and I greatly fear, that on a general investigation, practices of a nature most corrupt, would be found to exist in departments where their existence cannot even have been dreamt of by the public. Sir, I will venture to assert, that by such an inquiry, practices would be brought to light, the exposure and punishment of which are the only means by which you can continue a safe government, such as you now are. My noble friend has reminded us of two special instances of general inquiry, from which no beneficial effects were found to result. But there is a question which, determine as we may, the public will very naturally ask; and that is, whether in the progress of those inquiries, when the committees touched on some fact of magnitude, so great that it ought to have been exposed, and laid bare to the view of an expecting and indignant public; they will, I say, naturally ask, whether the committees did not on those occasions blink the question? If, sir, those committees neglected to do their duty, I cannot hold that to be an argument why we should shrink from the performance of that duty which we owe to the people, by whom we are, or ought to be, sent into this house. There is, I admit, a very powerful reason for minute caution in scrutinizing the qualities of those whom we may appointon that committee; but whatever danger may be apprehended by the appointment of such a committee, and with such general powers, and which committee seems to be so greatly the object of terror, it is my firm conviction that the refusal or hesitation of this house to grant and even promote a general inquiry into those abuses, of the existence of which the people are impressed with so firm a conviction, will be attended with danger paramount to any that can be suggested by the apprehensions of those gentlemen who oppose the motion of the noble lord. Whatever may be the extent of their apprehensions of danger, I cannot but think that an investigation of the abuses existing, or which are suspected to have existed, is of the highest importance to the welfare and tranquillity of the country; and it is my unqualified opinion, that nothing can so certainly allay the ferment which has been raised in the minds of the people, as that the true colour of every transaction, whether black or white, should be displayed. If black, let exposure and punishment follow; if white, let us have the satisfaction of displaying to the nation the purity and innocence of those into whose conduct inquiry has been instituted. With these views, and for these reasons, I shall certainly support by my vote the motion of the noble lord.

Mr. *Tierney* remarked, that the house had certainly something to complain of with respect to the proceeding of the noble lord, who had not given a notice of that specific nature which the magnitude of the case required. For if he had been asked even ten minutes before he came into the house, what the nature of the noble lord's motion was, he would have said that the object was, leaving the duke of York out of the question, to refer some collateral points in the Evidence to a committee, to determine what further proceeding ought to be had on the evidence there stated. He did not think it altogether fair to come upon the house all of a sudden with one of the most important steps that could possibly be suggested, considering the ferment into which the public mind had been thrown. The object of the motion was no less than to arraign the whole system of the government of the country through all its departments (Hear! hear! from the ministerial benches). He did not think that a motion of this vague and general complexion ought to be entertained. He admitted, that where a specific case was stated, it would be disgraceful to the house to blink it; but while the house attended, as it was bound to do, to the interests of the people, it would always recollect that it owed something to the government of the country (Hear! hear!). Was this a mode of proceeding which any one would venture to propose with regard to an individual? If not, why should a different principle be entertained with respect to the government? The noble lord, he supposed, had some cases in contemplation, for he could not imagine that he would propose the appointment of a committee without having something to lay before them. But why did he not tell the house what these cases were? He conceived it to be impossible to accede to a motion put in these general terms, embodying suspi-

cion, as it were, against the whole of the government of the country. He differed from the gentlemen opposite in many important political subjects, but neither with respect to them, nor with respect to any man could he agree to this vague sort of motion. He himself had been in office; he knew the responsibility attached to the situation, and was ready to meet any accusation if fairly stated. But this motion extended back—how far nobody knew; and was calculated to put all those, who, for a great number of years past, had been employed in public situations upon their trial; many of whom were precluded, in the course of nature, from giving those explanations that might be necessary to defend themselves against charges, or to prevent suspicion. He did not wish to throw a veil over delinquency; all he wished was that the delinquency and the nature of the evidence should be stated; that the charges should be specifically mentioned, and the individuals named against whom they were to be preferred, and then the house would consider whether the motion was such as ought to be entertained. Even on the ground of precedent he did not think that this was a proper mode of proceeding. His hon. friend (Mr. Whitbread) had said, that the house might watch over the proceedings of the committee. But the house could not know what the committee was about till they reported. He gave the noble lord credit for the most honest and upright intentions; and after what had come to light, he could blame none for being desirous of inquiry; but the house ought not to depart from the ordinary grounds of its proceedings. The motion assumed that the government was corrupt through all its departments, and this without pretending to state any evidence (Hear! hear!). Even in the abuses that had been found to have been carried on in the patronage of the East India Company, there was nothing that related to the public government of that department. The abuses at most reached only to the Court of Directors, who were governed by a separate law; and he was even surprised that a committee on the abuses in the patronage of the Directors had been granted. These abuses were of a description amenable to law, and to this they ought to have been turned over. If any abuse had been discovered to have existed in the public government of the East India Company, that, no doubt, would have been a proper subject of parliamentary inquiry. In the Minutes of Evidence, the existence of abuses at the Horse Guards had been made out; but this was the only point of which the noble lord proposed to keep clear. His motion went to impute corrupt practices to the admiralty, and every other department of the government, without the shadow of evidence; and all were to be put upon their trial without any specific charge! He hoped the noble lord would withdraw his motion, and put it in a different shape. He did not wish to protect delinquency, but he could not consent to put the whole government on its trial without specific charge alledged. The motion, he thought, could scarcely have been brought forward with any hopes of its being carried. The noble lord must have something in his mind to lay before the committee; of which, as the mover, he would be a leading member. All he asked of the noble lord was, to state what that was. Doubts were certainly entertained of the purity of some parts of the government. Public opinion was strongly excited on the subject of these abuses. But, however anxious he might be to expose corrupt practices, and to punish the delinquents, no popular cry should make him vote for a motion of this kind.

Mr. *Brand* rose to give a brief statement of the grounds upon which he found himself compelled to dissent from the motion of the noble lord. He differed from him merely as to the mode of inquiry. The motion was so worded, its generality was of such a nature, that nothing like it was to be found in the history of parliament. He agreed with those who thought it more satisfactory that the cases which the noble lord had in contemplation should be stated to the house before they appointed the committee, that they might be aware of the nature of the reference to be made to the committee. As no specific charges were stated, he thought the motion very objectionable, and he felt it his duty, however reluctantly, to oppose it.

Mr. *Lethbridge* observed, that he had come to the house prepared to vote for the noble lord's motion, under the impression that he meant to alledge specific charges against particular individuals. He was anxious to do so, both upon the justice of the case, and from the knowledge which every one must have of the suspicions prevailing in the minds of the people, who were calling loudly for inquiry. But finding that the motion of the noble

lord was not such as he imagined it would have been; finding that it was one of a general nature, and that its tendency was to put whole departments upon trial without any specific charges of delinquency stated, he could not concur in the motion.—He felt himself bound to dissent from it in its present shape, and he would wait till either the noble lord, or some one as well able as he was, or better, came prepared to state particular charges against particular individuals.

Mr. *Ponsonby*. Sir; I hope that I shall not be accused of wishing to protect abuses, for there is no man in this house, not even the noble lord himself, more anxious to promote the punishment of corruption and abuses, wherever they can be proved to have existed, than myself. But I certainly will not agree to the adoption of the noble lord, because he takes for granted the existence of abuses in every branch and department of the government, without any proof whatever on the subject. The noble lord might with great facility have obtained his object by proposing other means than this motion for a Committee of General Inquiry. If he had followed the example of an hon. gent. (colonel Wardle) he might, by adhering to that line of proceeding, have obtained the most ample redress that he can wish or desire. In the motion brought forward by that hon. gent., a specific ground was stated, on which he meant to found the charges against the Duke of York. On that ground, so specifically stated, and on the statement of the nature of the evidence which he meant to adduce in support of his charges, the house of commons supported his proposition, and a committee was accordingly appointed, in conformity to his wishes and request. But I do not believe that there ever was an instance in which powers so unlimited and indefinite have been entrusted to a committee, merely because allegations have been made, and examinations taken on other matters tending to charge Corruption, out of which it is supposed that some fresh matter may arise. It cannot even be supposed that the house of commons, on such grounds only, will adopt a resolution which tends in fact and in substance to criminate every man in every department of the state. I find it impossible, on the occasion of so extraordinary a proposition, to content myself with a silent vote, and more especially when I see a disposition in some persons not in the house, to charge every public man in the kingdom with corruption. This is a charge of a most serious nature; and particularly when it is considered how readily and with what avidity every thing that is charged against this house is received out of doors. The people are even industriously told in some places that there is no distinction whatever in this house, that we are all knaves and rogues alike (Hear! hear! hear!); that it does not signify in what hands the government is placed; for, provided they are parliamentary, the country can expect nothing but corruption (Hear! hear! hear!). These, Sir, are most foul, impudent, barefaced, and infamous calumnies; for, I will venture to maintain, that there are in this house, men as honest, as upright, as uncorrupt, and possessing as great integrity as those who make these gross and unfounded charges. And, be he who he may, I do assert and maintain, that he is not an honester public man than I am, nor do I see the smallest reason why I, or any other member of this house, should hesitate for one moment to repel this unmerited and general stigma. My conduct has already proved, in numerous instances, that in all matters of public economy and reformation of abuses, I am disposed to go as far in the protection of the people against extravagance and abuse as any man in this country; and I am still disposed to persevere in that conduct, which I conceive to be only a faithful discharge of my duty to the public. But to the motion now before the house I cannot agree.

Mr. *C. H. Hutchinson* could not content himself with a silent vote on a motion of this importance. He would support the motion of the noble lord, and would briefly state his reasons. He considered this as a most awful moment: he did not attribute improper motives to any man, but he had unfortunately long been of opinion that the system upon which the government had for some time acted, was not such as ought to be continued—and had the further misfortune to concur with many others, who thought that if it was continued the most calamitous consequences might ensue within a period, up to which, those in that house, who were not very old, might live. Therefore, great as was the inconvenience of granting those unlimited powers, which it was proposed to vest in this committee, he must, without any prejudice or partiality as to this or that government, vote for the noble lord's motion. Considering the

times, considering the state of public opinion, he thought that the investigation, however inconvenient, ought not to stifled. He took it for granted, that the noble lord was prepared to bring some points before the committee as soon as it was constituted; and he could conceive that he might have some very rational reasons for not chusing to mention them at present. Understanding the motion to be directed not particularly against the existing government or any other, but generally against abuses, he felt it his duty to support it. He venerated the antient institutions of the country, and no better proof could be given of that veneration than to strike at the abuses which had crept into them and threatened their destruction. The great object was to root out the system of corruption and abuse, and believing this to be the design of the noble lord's motion, and conceiving it, notwithstanding its inconveniencies, to be well calculated for that purpose, he could not refuse to give it all the support in his power.

Mr. *Parnell*.—Sir; the right hon. gent. below me, who made the charge against the noble lord, of not having stated in his notice the nature of his intended motion, can certainly not support that charge; for the noble lord did in his notice distinctly state, in substance, the nature of his motion; and that, too, in terms sufficiently explanatory to authorize him in bringing it forward in its present shape. Sir, I cannot agree with those gentlemen who object to the adoption of this motion, on the ground that it is of too general and indefinite a nature. The objects which are intended to be included in the inquiry are three; and they are certainly specifically stated. The first applies to the mode that was adopted of augmenting the army at the time of colonel French's levy being on foot; the next, to the illicit purchase and sale of commissions in the army; and the third, to the infamous traffick in the disposal of places in various departments of the State. The powers demanded for this Committee are therefore by no means of that general nature which has been asserted. It has been said that the Committee would have an object of inquiry to seek, as their labours would commence without having one before them. But this I deny; for here are three specific objects, every one of which is specifically named, to which the inquiries of the Committee are proposed to be directed. I make these observations with a view of shewing that no such charge as that which has been brought against the motion can be supported. But, were the motion more general even than it is, I for one, should certainly vote for it. It is impossible to have sat in this house, and have heard what has passed here, and to have read so much of what has passed elsewhere, without entertaining a strong suspicion of the existence of numerous, crying, and notorious abuses in various offices and departments; an inquiry into which, it is my opinion, is imperiously demanded.

Mr. *C. Wynn* observed, that if he understood the motion correctly, it went to an inquiry into all corrupt practices and abuses, without any restriction as to time, place, or circumstance. All abuses, at whatever distance of time, whether those concerned were dead or alive, might be brought before this committee, though those who might be able to explain or defend, might be in their graves. To such a motion he could not accede. The want of limitation, as to time, was a strong objection; but he fully agreed with the noble lord below (lord H. Petty), that it was improper to delegate to any committee that discretionary inquisitorial power, which belonged to the house itself. On every case brought before the house, it was customary to act from considerations of prudence, as well as with a view to abstract justice. In the first place, the house ought to be enabled to decide, whether the case was of sufficient magnitude to call for inquiry; and, secondly, whether the evidence stated was sufficient, if actually produced, to bring home the charge to the accused. He had heard that there might be cases brought forward, which had taken place in Ireland previous to the Union; cases which might affect lord Cornwallis and Mr. Pitt, who were in their graves. He was ready to say, that the greatest inconveniences would result from this. In short, there was no case, at whatever distance of time it might have occurred, which a committee, constituted as the noble lord proposed, could refuse to entertain. Such a motion could not be acceded to, and it had his decided opposition.

Mr. *Thomas Foley* did not conceive that there was any weight in the argument as to the suspicion which the motion was said to cast upon all the departments of government. An inquiry would be the most effectual way to do away those suspicions, if they turned out to be unfounded. That there was a strong suspicion in the

public mind could not be doubted. If that suspicion was not founded in fact, those who laboured under it ought to have an opportunity of clearing themselves. But if, on the contrary, crying abuses actually existed, inquiry was necessary to expose those abuses, and to prevent their recurrence. In every view, therefore, he was convinced of the propriety, of the necessity, of inquiry, and would certainly vote for the motion.

Sir *John Anstruther* objected to the motion on account of its generality, and its assuming as a fact, that there existed abuses in all the departments of the state, in proof of which there was not a tittle of evidence. But the hon. gent. behind him (Mr. Hutchinson) went farther, for he said, that the general system of the government was such as ought not to be continued. The house of commons was part of that system, and he, therefore, now called upon the house of commons to try itself. A gentleman under the gallery had said, that it was right to suspect persons in office: What right had he to suspect them? If he had any facts to produce, let him state them; but if he had no facts to state, then he had no right to suspect. As to the inadmissibility of the motion, he thought there could be no doubt upon that point. It went to inquire into one did not know what, and was utterly incompatible with any practical plan of conducting business. If particular facts were stated, it might be fair and reasonable to investigate; but at the same time he could not listen to vague and loose stories even against individuals. The proper plan was to send them to the Attorney-General, and not to place the justice of the country in the worst possible hands; not only in the hands of the house of commons, but what was still worse, in those of its Committees.

Mr. *P. Moore* hoped the noble lord would receive back his motion, and bring forward some specific case. He understood, that his motion was to be of the nature described by his right hon. friend next to him (Mr. Tierney), that it would relate solely to some collateral matter arising out of the investigation of the charges against the Duke of York. If the noble lord had read the Eighth Report of the Commissioners of Military Inquiry, it was strange that he should have mentioned French's levy only as a subject of investigation. He might have found in that Report, that there were no less than twenty-one such levies. It would have been well worth his while to investigate into the manner in which these levies were obtained, how conducted, and the result with which they were attended. He would find that no less than 500,000*l.* of the public money had been lavished in this way, and that the produce of men had failed almost in every instance. The examination had only yet proceeded as far as 211,000*l.* of this expenditure, and it was discovered that of this sum no less than 96,000*l.* had been drawn by fraud and imposition. There was matter sufficient in these to have afforded a Committee employment for the rest of the session.

Mr. Secretary *Canning* said, that considering the impression which the notice of the motion, given by the noble lord previous to the recess, had made out of doors, and the public expectation it appeared to excite, he felt it incumbent upon him to state his sentiments. It would not become a person filling the situation he did to give a silent vote. It would be impossible for him, consistent with his duty, and valuing the frame of the constitution as it stood, not to give his most marked and decided disapprobation of the motion. In opposing it, he did not oppose a motion for a specific inquiry into specific abuses, but he opposed a motion that had no relation whatever to it. A specific inquiry would have fastened on individuals, or abuses; but the object of a motion, so general and undefined as that before the house, could have no other purpose than to scatter general censure, to keep up a ferment in the public mind, and to do mischiefs beyond the apprehensions of those whose apprehensions were strongest. The noble lord had accused his right hon. friend of a disposition to screen abuses, and had reproved the remedy which was proposed by him to prevent confederacies out of doors, for the corrupt disposal of patronage. Another gentleman had pointed out to the noble lord objects for inquiry, which it appeared were already under examination. It did therefore appear that these manifold abuses, which were supposed to prevail in every department of the state, were not wholly without remedy. If these remedies were insufficient, why did not the noble lord say so, and propose those that might be more effectual? He deprecated the practice of pointing at government as the source of corruption. The effect of exaggerating this evil was, not to allay but to perpetuate the public ferment. An hon. member under the gallery said, that the people had

a right to suspect government; another hon. member blamed the whole frame of the government: and to this Committee it was proposed that the task should be delegated, of enquiring into the whole frame of that government; of inquiring into the conduct of every man who was engaged in any one of its departments! This important investigation was to be made, not by the house itself, but by a Committee. A Committee! If ever there was an instance in which a mighty labour was to be executed by a diminutive power, it was this. He could not conceive for what rational or practical purpose this motion was brought forward. Was there no mischief in keeping a persuasion alive in the public mind, that it was the opinion of impartial men in that house, that so much rottenness and corruption existed in every part of the state, as rendered such an inquiry necessary? The motion held out no hope of immediate advantage to the people; but it held out the whole cast and class of public men to suspicion. They were all represented as eagerly struggling for places and power, and as having nothing in view but the emoluments of office. The emoluments of office! If there was any man who considered the labours of an official situation, the duties that were to be performed, the anxieties that were undergone, the warfare which a public man had to support, not only in that house, but from the malignity which assailed him out of it, and could think that these things were to be compensated by money, he did not envy such a man his feelings or frame of mind. If there was any man who could think so, it was to him a subject not of regret, but of pride, to be the object of the suspicion of such a man. The noble lord and his abettors might succeed in fixing this imputation on public men, and driving them from power; in rendering them a degraded class, that he and those who supported him might succeed to that ruin and degradation. He could not agree in this wide wasting motion, without admitting the truth of assertions, for which he was persuaded there was no foundation.

Lord *H. Petty* rose to explain. The noble lord observed, he had been entirely misapprehended; he had not said, nor did he mean to say, the right hon. Chancellor of the Exchequer had a wish to screen delinquency, or to prevent inquiring into abuses.

Lord *Folkestone*. Sir; the right hon. gent. on the bench below me, has complained of my conduct with respect to the imperfect notice which, he says, I gave of my intended motion, to which he states his dissent from the two extensive powers with which, from the generality of the terms, it would invest the committee. With respect to my notice, I can only say, that it appears to me to be unfounded. With respect to the motion itself, I am in fact merely doing that which he wishes me to do, specifying the objects of the motion, which, to my no small surprize, it has been stated are not specified. Sir, I am confident that a great part of what has been said in opposition to this motion, arises solely from misapprehension. It is said that I am bringing forward a general charge, and involving every man, in every office, in every department, in one general indiscriminate accusation. But what is the true state of the case? My motion was grounded on the order of the day, and certainly refers entirely to the evidence that was taken before a committee of the whole house: out of this evidence, I propose to refer particular points to the consideration of a committee. If this motion had been an original proceeding, the accusation which has been made against me would have been correct. But as the motion which I have made is grounded on the order of the day, I conceive the objections which have been made against it in that respect to be wholly groundless and indefensible.

The house then divided, when there appeared,

For lord Folkestone's Motion - -	30
Against it - - - - - - - - - - - -	178
Majority - - - - - - - - - - - -	148

List of the Minority.

Lord Ossulston	S. Whitbread, esq.
Lord Viscount Forbes	Lord A. Hamilton
Sir Wm. Lemon, bart.	C. C. Western, esq.
Sir T. Miller, bart.	H. Tracey, esq.
Sir John St. Aubyn, bart.	T. W. Coke, esq.
George Hibbert, esq.	Joseph Halsey, esq.
George Knapp, esq.	H. C. Combe, esq.
Thomas Foley, esq.	John Calcraft, esq.
J. Scudamore, esq.	Hon. C. Bradshaw
T. J. Symmonds, esq.	Lee Antonie, esq.
Thomas Creevey, esq.	Hon. W. Lambe
Lord Althorpe	Hon. W. Lyttleton
Wm. Ord, esq.	J. M. Lloyd
Hon. C. Pelham	TELLERS:
D. North, esq.	Lord Folkestone
Henry Parnell, esq.	Hon. C. Hutchinson.
G. L. Wardle, esq.	

HOUSE OF LORDS,

Tuesday, April 18.

[Campaign in Spain.] The Earl of *Liverpool* laid on the table the two letters from admiral Apodaça to Mr. Secretary Canning, which he moved for yesterday, and which were ordered to be printed. His lordship took the opportunity of observing with respect to some correspondence between the Junta of Gallicia and capt. Kennedy, which was stated by earl Grey, on the preceding day, to be wanting, that the letters alluded to were not in the possession of government, but as capt. Kennedy was in town, he would endeavour to procure some explanation from him.

Earl *Darnley* said a few words with respect to the Letters of Mr. Frere to sir John Moore, which had formerly been represented by the noble secretary of state as unimportant, but which on their production were found to be of great importance; and he could not accord with the denomination attached to them by noble lords opposite, of their being letters of a private nature. They had certainly exhibited very extraordinary conduct in our minister at Madrid, who had written in so very peculiar terms to sir John Moore, whereby that illustrious general was involuntarily induced to march further than Salamanca, and, unfortunately for his country, afterwards lost his life. He felt it certainly an invidious task to impute improper conduct to any individual, but such had been that of Mr. Frere, he thought the house would be wanting in their duty, if they did not speedily move an Address to his majesty for the immediate recal of that minister; it was a duty they owed to the memory of the illustrious and gallant officer sir J. Moore. He conceived it incumbent to bring this particular subject very soon under the consideration of the house. With regard to these Letters also, their importance was such as to remove every blame contrived to be attached to the conduct of that lamented commander, and clearly to shew it was to be imputed wholly to another quarter.

The Earl of *Liverpool* said, he wished to be clearly understood with respect to what he had stated on a former occasion. It would be in their lordships recollection, that he had not asserted the Letters referred to were of no importance, he merely stated, they would be found not material; with respect to sir John Moore's further march from Salamanca, true it was, he entertained an opinion that sir John Moore had acted wisely under all circumstances in proceeding further at the time, but he was still disposed to differ from noble lords opposite that sir John Moore was not led to do so by any letter sent to him from Mr. Frere. When he had also described the letters to be private, he had defined in what way he meant to use that expression. He merely applied that word to the form in which they were received, and not to the subject matter of their contents. He thought it proper to rise for the purpose of giving this explanation, but he was not disposed to be drawn into any collateral discussion on this question, as next Friday the whole of it would come before the house.

Earl *Grey* was surprised how any one could peruse the letters referred to, and the answers of sir John Moore, and maintain that he had not been driven against his own inclination to march further than Salamanca. If he recollected correctly what had been stated by the noble secretary, respecting the letters being of a private nature, he certainly understood him to have expressed himself differently at the time. He was sorry noble lords on that side of the house had been led to suppose the objection to their being produced, rested upon their contents being of a private nature. There could now, however, be no doubt the fatal event of the campaign in Spain, was in consequence of the interference of Mr. Frere with the conduct of sir John Moore.

The Earl of *Carysfort*, after having adverted to the papers on the table, mentioned his having been absent for want of health; and therefore he did not distinctly know whether any motion had been made, similar to the one he intended to propose. He now gave notice he should to-morrow move for a copy of all Instructions sent from his majesty's government to Mr. Frere; for it was of great importance to ascertain the powers possessed by Mr. Frere, which authorised him to controul the conduct of a commander. It was also mentioned that a particular person was the bearer of a message to Salamanca, yet his name was kept secret, and was omitted, by a blank in the printed papers. He could not conceive why this person should not be named; but he would to-morrow move, unless he was previously informed, that it should be disclosed to the house.

The Earl of *Liverpool* could assure the

noble lord, that no instructions were sent, which authorized Mr. Frere to controul the conduct of our military commander. The communication which took place, was merely consequent on our minister being the political agent of the directions given by the government of that country. With respect to the name of the person, noble lords would consider it might be attended with inconvenience and injury, if ministers were under the necessity of disclosing the names of persons officially employed; and for that reason he did not feel warranted in naming the person alluded to.

Earl *Grey* did not believe the noble earl would be successful in the first part of his motion, after he himself had said so much relative to the instructions sent to Mr. Frere. After all the papers which had been laid on the table, there was so much information kept back, that he declared it was not possible for the house to arrive at a correct judgment on the whole of the proceedings. There could be no inconvenience resulting from mentioning this person's name, for it was already known it was no secret; yet it was said, because a case might be inconvenient to name a particular person, the information was refused; such language was unbecoming a secretary of state.

Lord *Auckland* observed, that it was known who the person alluded to was. He should abstain from mentioning his name, but it might be very material, under all the circumstances, to know who he was, whether a person sent from this country and attached to Mr. Frere's suite, or a person employed there; and whether he were a native of that country or a French officer.

The Earl of *Buckinghamshire* said a few words respecting the insufficiency of the Return relative to the Arms furnished to Portugal, it not stating what quantity of those sent had been received.

The Earl of *Liverpool* supposed that all sent had been received.

Viscount *Sidmouth* wished to know if it was the intention of ministers to make any motion respecting the Spanish Treaty?

The Earl of *Liverpool* answered in the negative.

Viscount *Sidmouth* observed, that the house had been called upon on the first day of the session, to express their satisfaction, that such a Treaty had been concluded, and now it appeared they were not to have the opportunity of discussing its provisions.

The Earl of *Liverpool* said, that the treaty not having been accompanied by a message from his majesty, it was not the usage for his majesty's ministers to make any motion upon it, nor did they intend it, but it was open to any noble lord to bring forward any proposition on the subject.

HOUSE OF COMMONS.

Tuesday April 18.

[Smithfield Market Bill.] On the motion of sir C. Price, for the second reading of the Smithfield Market Bill,

Mr. Alderman *Combe* objected to the further progress of the bill, as tending materially to injure many, who had for a long time resided were the market now stands. It was rather singular, that all those who lived where the present market was held wished it to continue there, and all who lived where it was intended to remove it to, objected to such removal. With these sentiments he would move that the second reading of the Bill should be deferred to this day six months.

Mr. *H. Martin* seconded the amendment. If this bill, he said were to pass into a law, the greatest inconveniences would arise from driving cattle through the streets leading to the projected market. Many individuals in the neighbourhood of the ground chosen for this purpose, would also suffer severely, by being in a great measure prevented from letting their houses. He knew of one individual, a Mrs. Doughty, possessed of upwards of one hundred and forty houses in that quarter, the loss to whom would be immense, some thousands, were the proposed measure carried into execution. He said it was absolutely impossible for them to find out any better spot than the present scite.

Mr. *Rose* said that the present market had been found much too confined to answer the purposes for which it had been originally intended. In former years, one hundred thousand head of cattle was generally the utmost which had been sent to it; but latterly this number was increased to more than one hundred and fifty thousand. The consequence of this increase was, the cattle were crouded to such a degree, that they not only injured themselves, but those who came for the purpose of buying or examining them. The city of London, sensibly feeling this great inconvenience, had made several efforts for some time past to enlarge the present market. It now consisted of four

acres and a half; and, to render it commodious, an addition of twelve were necessary. This addition, then, had been anxiously attempted to be made, but, after much inquiry and fruitless expence, it was discovered that no more than two acres could on any terms be procured. What, then, could they do, but come down to the house, and attempt to carry the removal of the market, and this they had done at a very great disadvantage to themselves. The spot to which the removal was projected, had been however objected to; he had to inform the house that two other situations were then in contemplation; if neither of which could be found eligible, then the house might reject the bill when it came to a committee; but he thought it would be peculiarly severe indeed to oppose the second reading of it. If it was thrown out, much inconvenience in his opinion would ensue, not only to the capital itself, but to the country at large; for many of the landlords would be debarred from the sale of their cattle owing to the want of room in the market. He trusted, at all events, that the house would allow the bill to go to a committe, where an opportunity of more mature consideration would be at least allowed.

Mr. *Horner* observed, that he understood that the city of London was in treaty for the particular spot in question. His principal objection was to the spot to which it was intended to remove the market.

Mr. *Lyttleton* expressed himself against the further progress of the bill.

Sir *C. Price* supported the bill, and urged the necessity of its being allowed to go to a committee.

Mr. *C. H. Hutchinson* objected to its being allowed to go to a committee. He feared, if it were left to the decision of a committee, that the spot fixed upon would be chosen. He was at a loss to know why they should pitch upon this place, which was so particularly objectionable.

Mr. *Rose* said, that the city of London had abandoned the spot they had first fixed upon, and had instructed their counsel to that effect.

Mr. *Ponsonby* said, that when the city of London expressed their wish to improve and beautify the metropolis, he felt a great desire to forward their views; but he hoped they would not attempt such improvement at the expence of private property. He was willing to accede to the second reading of the bill, but would not pledge himself to approve of any place which the committee might adopt.

Mr. *Mellish* objected to the bill. If the evil were removed from one place, it was not unlikely it might become equally objectionable. A place had been named, which would seriously affect the Gray's Inn Society.

Mr. *Fuller* thought the city of London should point out the spot where they would remove the market, before they had his vote. He had no right to trust them, if they would not trust him.

Mr. Alderman *Shaw* spoke in support of the Bill. He thought all the objections might be done away in the committee. A place in front of Gray's Inn had been chosen, on a declivity particularly well suited for the purpose, from whence drains could be readily formed to carry off the dirt into the Fleet river.

Mr. *Barham* said, his objections went to the way in which the bill originated. It was introduced without the parties interested having notice of their intention, and was an injustice to those individuals. How was it to be remedied? to be changed to some other place, where the people had notice of it? But then it was said, their interests might be guarded by regulations. He thought it the wisest course to reject the bill altogether. The mode he conceived fittest for removing such an annoyance as this market, would be to appoint a committee of indifferent persons, who might lay down some plan, which could have the effect desired. He believed such an annoyance was not to be found in the heart of another city in the world.

Mr. *Whitbread* opposed the original motion. A worthy Alderman had said that the injury from driving the cattle might be prevented by putting up bars. He wondered he did not also provide against their making a noise.

The *Attorney General* said, for his part, he really did not see how the worthy corporation could silence the beasts, unless in their wisdom they thought proper to send the city officers along with them. (A laugh). It was pretty evident, from the silence of the hon. baronet, that the city did not intend to relinquish the objectionable spot of ground. When the offer was made him of empowering the committee to insert a clause, prohibiting the selection of this plat of ground, he did not offer to give his assent to it. But the gentlemen of the city thought they would rather benefit this spot of ground. "Oh, such

embellishments as it would receive! Such magnificent houses as they would build on it!" But for whom would they erect those buildings; for the beasts? Certainly no human beings could inhabit them! Who could possibly wish to fix his residence were vast droves of cattle were continually parading, and where all the disgusting scenes and tumult incidental to such a market were constantly exhibited? It was unjust then, in the first place, as it tended to the injury of private property; and impolitic in the next, as it went to defile one of the handsomest parts of the city; but then, says the Corporation, since you have such objections, we will relinquish this scite; we will select another; and how could he satisfy his conscience if he stood silently there content to ward off injustice from one part of the community, with the consciousness that it must fall upon another. He could not tolerate such an idea for a moment, and would oppose the further progress of this bill.

The question being loudly called for, the gallery was cleared, but the Amendment was agreed to without a division.

[Irish Currency.] Mr. *Parnell* desired that the Report of a Committee appointed in 1804, to enquire into the State of Ireland, as to its Circulating Paper, its Specie, and current coin, and the Exchange between that part of the United Kingdom and Great Britain, should be read, and the same having been entered by the clerk as read, the hon. gent. addressed the house as follows;—

Mr. Speaker; I rise, Sir, for the purpose of moving that the house do resolve itself into a committee of the whole house, to take this Report into consideration; and if the house shall think proper to accede to this motion, I shall then submit to the committee the following Resolution: "That it is expedient that the Coin of the United Kingdom shall be of the same standard and value as the Coin now is of Great Britain."—It appears to me, Sir, that the difference which now exists between the currencies of Great Britain and Ireland contributes to keep alive a feeling of separation and distinction between the inhabitants of these countries, very inconsistent with their mutual prosperity: that it gives a character to the respective parts of the United Kingdom that belongs rather to countries foreign to each other than to members of the same community, a character by no means belonging to the spirit of real union and the true interests of the people. I have always considered the Act of Union as very imperfect, because it did not provide for the assimilation of the coin; and though I opposed that measure, and now think that it ought to be repealed, if the expectations which the people of Ireland were taught to entertain of its beneficial consequences are for ever to be disappointed, still I am desirous to do every thing that can be done to establish unanimity and identity, between the two countries, and therefore I wish to see the difference in the currencies completely done away.—Another bad consequence of this difference, is the restraint that it imposes upon the commercial intercourse of the two countries; a restraint very inconsistent with that perfect freedom of trade, which is necessary, in order that trade may be carried on to the greatest possible advantage. For though the operation of converting sums of one currency into sums of the other is a very simple one, and to those accustomed to it may present no difficulty whatever, still it necessarily must be to all others the source of doubts, respecting the results of any commercial speculation connected with Ireland in which they may embark, and therefore it must contribute to deter many from undertaking such speculations, however strong the probability of their success might be, if the local circumstances, and national resources of Ireland were alone taken into consideration. I therefore feel that there is good ground for stating, that this difference does form an obstruction of very considerable effect to the free circulation of the capital, labour, and industry of these countries, and, consequently, ought to be removed.—But the principal inconvenience that results from the present state of the currencies is, in my opinion, the existence of an Exchange between them: such a thing not being known ever to exist between any two places that have a circulating currency common to both of them.* I shall endeavour to support this opinion by an examination of the causes of fluctuations of exchange, and by reference to such authorities as ought to have considerable weight in the house upon this subject.—Exchange between London and Dublin is considered to be at par, when a bill for 100*l.*, payable in London, will

* The commission and interest charged on bills drawn at Bristol, Liverpool, &c. on London, not being considered in the nature of an exchange.

sell in Dublin for 108*l.* 6*s.* 8*d.* This exchange, except when influenced by some temporary and very particular occurrences, fluctuates from one to two per cent. above and below par. It was, in 1804, so high as nine per cent. in favour of London; but, in the last two months it has been two per cent. in favour of Dublin. Fluctuations of this sort are attended with great inconveniences to trade, and considerable loss to individuals, who have occasion to make large remittances of money from one country to the other. They have been attributed to various causes. Some persons have said that the remittances of rents to absentee proprietors; others, that the balance of trade; and others, that the depreciation of the currency of Ireland, were the circumstances that occasioned them. I am, sir, of opinion, that the doctrine which lays it down that remittances of rents give rise to them, is not tenable: because, as these rents are annually and constantly remitted the rates of exchange would be constantly unfavourable; whereas the fact proves the contrary, the exchange being more frequently in favour of Ireland than in favour of England. The balance of trade is not a good criterion to go by, for two reasons; first, because in the Custom-house statements, from which the balance is taken, no entry is ever made of the quantity of money imported and exported, though money, in its true character, is as much a commodity of trade as any other article: secondly, because in calculations of this kind no allowance is made for any alterations which may occasionally take place in the value of the currencies of the respective countries carrying on the trade in question; though every variation in the value of them will have its effect upon the rates of exchange, and sometimes render an exchange nominally unfavourable, though in reality it may be quite the contrary. The opinion which I entertain upon the subject of these fluctuations in the rates of exchange is this, that whenever they are very great, and that the rates of exchange continue for any time very unusually high against one country and in favour of the other, there has been some great depreciation in the value of the currency of that country to which the exchange is unfavourable. This was proved to be the case, in respect to Ireland, in 1804. But, if it is desired to explain upon what circumstance the ordinary fluctuations depend, then I should say, that the best explanation to be given is the usual one, that they depend upon the proportion which the supply of bills of exchange in the market bears to the demand for them, and that if a more radical explanation is sought for, the attempt to discover one will altogether fail. In order, therefore, to do away these fluctuations in the rates of exchange, it is necessary to do away all fluctuations in this proportion which the supply bears to the demand for bills of exchange. But as this is impracticable, then we are to consider what the functions are of bills of exchange, and endeavour to attain some other thing possessing their properties. The peculiar characteristic of them is the facility which they afford in making remittances of money from one country to another; but of this quality bank paper is equally possessed, if it has currency in both countries; for so soon as the bank paper of one country is current in the other, or can be converted into paper there current, then a person wishing to remit can do so with bank paper, and at no other expence than that of the postage of the letter containing it. The means of remittance will no longer be confined to bills of exchange; fluctuations in the proportion which the supply of these bills bears to the demand will no longer produce fluctuations in the rates of exchange, but the funds of making remittances being the whole paper currency, the existence of an exchange must cease altogether.—If then, Sir, Bank of England paper was current in Ireland, and Bank of Ireland paper, of a given value, convertible into Bank of England paper of the same value, every person having occasion to make a remittance to London would be able to do so by sending Bank of England paper to his London correspondent: he would no longer be dependant upon the supply of bills of exchange, and he never would be under the necessity of paying a premium for the means of making his remittance. It is very easy to illustrate the accuracy of this statement by reference to the way in which matters of this kind are conducted between London and Liverpool, or any other place carrying on a great trade with London. A person in Liverpool having occasion to make a remittance to London can do so, either by a bill of exchange, or by bank paper, equally current at Liverpool and at London. If he could not obtain bank paper current at both places, then he would be compelled

to purchase a bill of exchange, and thus have to pay a premium or receive one, according to the quantity of bills at 'Change. Now, as the only difference in the relative circumstances of Liverpool and London, and Dublin and London, in regard to exchange, is that Liverpool and London have a currency of Bank paper common to both places, and that Dublin and London have not such a currency, it is plain, that if such a currency was established between Dublin and London, the existence of an exchange between these places would no more exist than it now does between Liverpool and London.—I am aware, sir, that the assimilation of the Coin of the United Kingdom may be effected without reference to the currency of Bank paper; but, sir, as my object is to establish not only an assimilation of coin, but of the currencies as composed both of coin and Bank paper, and as I conceive that the assimilation of the coin should be accompanied with regulations, so as to secure a common currency of Bank paper, I feel that I have a right to infer from the foregoing arguments, that if the assimilation of the coin is accompanied by such regulations, the exchange will be entirely done away. I am also aware, sir, that it will, in some degree, depend upon the conduct of the Directors of the Bank of Ireland, whether or not Bank of England paper shall become current in Ireland. But though it certainly might be made so more easily by their assistance than without it, I shall presently shew, that its becoming current there does not depend altogether upon them. I have too good an opinion of the Directors of this Bank to think that, if every thing was done towards establishing a common circulating medium of paper between both countries, except what they had it in their power to do, they would so far oppose the public interest as to refuse to pay their notes with Bank of England notes, or with bills on London payable at certain fixed rates for interest and commission. I have, sir, the authority of the committee, whose Report has been read, for the practicability and policy of such an arrangement. They say, "Other modes of obtaining a common medium, such as that of inducing or even compelling the Bank of Ireland to give Bank of England Notes in exchange for their own on demand, or to make their own exchangeable for them in London, or to give Bills of Exchange on London for them, have been suggested; and there is no doubt any of them would have the effect of rectifying the exchange. The objection that has been made to this proposal, is the difficulty and expence to the Bank of Ireland which would attend the procuring a fund in London on which to draw. On this your Committee observe generally, that neither the difficulty nor the expence attendant on this measure would be so great as that to which the Bank, by its constitution, is necessarily subject at all times when not protected by a restriction from performing its engagements; and that whatever funds the Bank formerly applied, or intend again to apply, on the removal of the restriction, to provide for the difficulty and expence of obtaining a supply of gold, might in the interim be applied to the procuring of English Bank notes; the Evidence of Mr. Winthrop points out the practicability of obtaining a sufficient supply of Bank of England notes with such a fund; his expression is, that 'the Bank of Ireland, 'or any person, may procure Bank notes 'now to any extent if they will pay for 'them.' But Mr. Mansfield's Evidence so clearly shews the practical mode of carrying this measure into effect, that your committee cannot impress it too strongly upon the attention of the house; it shews, in the example of Scotland, how effectually a very small sum, vigorously and wisely applied, did operate, and that banks there did establish an adequate fund, with ultimate advantage to themselves.—His account states, that 'There 'was, after the peace of Versailles in 1763, 'an exchange of 5 or 6 per cent. against 'Scotland with London, created by per-'sons collecting Gold from the different 'banks there, bringing it to London, and 'passing their bills at Edinburgh for it, in 'order to put a profit into their own 'pockets by raising the exchange. The 'two chartered Banks of Scotland seeing 'that this exchange arose from artificial 'means, collected as much funds as they 'could to bring to London, and by draw-'ing gradually at $\frac{1}{2}$ or 1 per cent. less 'than the others, reduced the exchange to 'what they esteemed par bills of 40 days 'date;' at which it has steadily continued ever since, unaffected by the failure of the Bank of Ayr; the convulsions to credit in general in 1792 and 1793; the failures in 1795; and the difficulties which caused the restriction in 1797 in England, but which was not extended to the chartered Banks of Scotland; and all this not-

withstanding the great presumption, that if an account of all pecuniary transactions between Scotland and England could be ascertained, it must have often happened that the balance was against the one country or the other.—This fact gives great force to the arguments of those witnesses who propose that the Bank of Ireland should establish a credit for the like purpose in London; and the present peculiar situation of the Irish Finances not only point out a ready, but an adequate and effective fund, which at the same time that it gives to the Bank of Ireland every prospect of success which has attended the measures of the chartered Banks of Scotland, exempts it from all expence, risk, or difficulty which might attend it; for your Committee must observe, that the Bank of Scotland undertook to provide this fund at their own expence, but the Bank of Ireland has an opportunity of establishing it without expence to themselves; and further, it appears to have been suggested to the Banks of Scotland by their good sense and patriotism, to try the efficacy of a measure without precedent, while the Bank of Ireland has only to follow an example where success has been already demonstrated by experience." I therefore, Sir, in saying as I now do, that a common circulating medium of Bank paper may be established by the Bank of Ireland, say that which is recommended to be done by this committee, upon their finding that a similar measure had been adopted in Scotland with complete success. But, Sir, independant of these motives to induce the Bank of Ireland to make their paper convertible into Bank of England paper, their own private interests should have great weight in pointing out to them the policy of such a step; for, if it should be attended with the consequence of preventing future fluctuations in the rates of exchange, it will relieve them, whenever the restriction of cash payments is taken off, from the expence of providing guineas to answer the great demands which are made for them whenever the exchange is unfavourable to Ireland; and for the same reason the Bank of England is also interested in preventing fluctuations in the rates of exchange, as they are liable to similar demands upon them, whenever the exchange is unfavourable to England. If however, Sir, the Bank of Ireland should refuse to give Bank of England notes in exchange for their own on demand, or to give bills on London for them as has been suggested, the currency of Bank of England paper may in a great measure be obtained in Ireland, by making it a legal tender equally and to the same extent as Bank of Ireland paper is. One effect of this regulation would be the impossibility of an exchange unfavourable to England, because no one would go to 'Change and give a premium for a bill of exchange, when he could get a bank note without a premium, which would answer every purpose of a bill in making a remittance to Ireland; and thus one half of the business of doing away the exchange would be accomplished. But just in the degree and to the extent that Bank of England paper would be sent to Ireland for the purpose of keeping exchange favourable to England, a stock of it would be there established with which the exchange would be prevented from becoming unfavourable to Ireland; for, as the tendency of the exchange to be unfavourable to Ireland would arise from the demand for bills on London being greater than the supply, all this stock of Bank paper would come in to the aid of the bills in meeting the demand for the means of making remittances. I cannot think that it is proposing a very unreasonable thing to require that Bank of England paper should be as current in one part of the United Kingdom as in other parts, and that, if there is no objection to give it that quality in the farthest parts of England, and the most remote quarters of Scotland, now that Ireland forms one and the same country with England and Scotland, it is but removing a distinction that ought not to exist, to make it as current in Ireland.—I have now, sir, stated the several reasons that occur to me to prove the policy of assimilating the currencies of the United Kingdom, and I shall now proceed to lay before the house very good authority in support of the arguments which I have made use of. The Committee already referred to, in their report say, "if it shall be thought expedient to equalize the currency, by making the shillings contain only twelve-pence, Your Committee submit the advantage of doing so."—As to the effect of an assimilated currency of bank paper, they say, "Your Committee cannot entertain a doubt of the practicability of what they recommend," [That the Bank of Ireland should pay their notes in Bank of England paper, or in bills of fixed rates on London], "nor that it ought

to have the sure effect of reducing exchange to par. In case of such event, they would also strongly urge the doing away the name of exchange, and putting an end to its calculation, by equalizing the monies of account and monies of circulation in both countries, and the fixing the future interchange by bills, at a stated number of days, adequate to defray the expence of remitting at all times, so as fully to adopt the same practice which prevails between Edinburgh and London, and between Liverpool and London." And then they go on to say, "Before your Committee quit the subject of exchange, they wish to observe, that if their enquiries have failed in enabling them to propose any effectual remedy, still a remedy ought to be sought for by the wisdom of the house, for that a great country, now placed as Ireland is under the same legislature with England, forming a constituent part of the united empire equally as England, or any county in England does, its metropolis, not so distant from London as any part of Scotland, Newcastle, Carlisle or Durham, should labour in its pecuniary intercourse with England, under a constant varying exchange, which the others are free from, is a portion so strange that your Committee cannot believe it to be founded in the common nature of things."—But, Sir, I can yet refer to a still better authority in support of the policy of assimilating the currencies. I mean to the precedent—the proceedings relative to the Coin of England and Scotland at the time of the Union afford. At that period there existed a difference between the currencies of these countries exactly similar to the difference between those of England and Ireland; the English shilling being then current in Scotland for 13 Scotch pence, and the rates of exchange being 11 to 12 per cent. against Scotland. Those who were concerned in drawing up the terms of the Scotch Union were so fully impressed of the advantage which would attend the getting rid of this difference in the currencies, and of this unfavourable exchange, that they framed a specific article for the purpose. The 16th Article, declaring, "That from and after the Union, the Coin shall be of the same standard and value throughout the United Kingdom as now in England." It is mentioned, Sir, by De Foe, in his History of the Union, that measures were so taken that no inconvenience whatever attended the assimilation of the currencies, and that the rates of exchange, which before were 11 or 12 per cent. to the disadvantage of Scotland, immediately came to par. A circumstance, Sir, which is most strongly illustrative of the accuracy of those arguments which I have advanced concerning the exchange between England and Ireland.—I have now, Sir, stated to the house what appears to me to be conclusive proof of the policy of this measure of assimilation. I do not think that any arguments ever were advanced on any subject so completely borne out by authority and precedent as those which I have submitted to your consideration. The Committee to whose Report I have referred, consisted of persons perfectly well qualified to perform the task imposed upon them; and nothing can be more in point than what took place at the time of the Scotch Union.

I shall next proceed to state the Plan, which upon the fullest consideration, appears to me to be the best calculated to accomplish this measure. Till the reign of William III, the currencies were the same in both countries, and it was only on the issuing of the new silver coinage by this king that, for the first time, the English shilling was made current for 13*d*. The guinea of England was current in Ireland for 23*s*. till 1736, when it was reduced to 22*s*. 9*d*., so as to correspond in value with the shilling at 13*d*. The present coin of Ireland is composed of guineas, which circulate in considerable quantities in the north, of silver bank tokens, Spanish dollars, and of copper coin issued in 1805. The value of the shilling at 13*d*. forms the whole difference between the coin of Ireland and England; and that being the case, it is plain that the way to get rid of it, is to make the English shilling current for 12*d*. The Report of the Committee, to which I have so often alluded, points out this way of proceeding, it states, that "The equalization of the currency may be accomplished by making the copper penny, halfpenny and farthing of England equally current in Ireland as the silver shilling and golden guinea; and the Committee recommend that they should be so made current in preference to the forming of a new copper coinage of a separate device or description for Ireland." The Privy Council, however, did not think proper to adopt this recommendation of the Committee, but, on the contrary, advised his majesty to issue a copper coinage for Ireland in 1805, having a separate device and description. I am ready to acknowledge that this step has thrown an obstacle in the

way of the assimilation; but it is one by no means of such a nature as to be insurmountable. It has been suggested to me that this object might be attained by issuing a proclamation declaring that the shilling should be current for 12*d.* of this coin; but as this measure would be justly liable to the imputation of being an unfair one, I shall not propose it. But I shall adopt the plan recommended by the Committee, of making the English penny, halfpenny, and farthing current in Ireland. In order to carry this measure into effect, it would be necessary to call in the copper coin now circulating in Ireland, and to issue a new coinage of the same standard and value as the English copper coin, and if this new coinage was prepared, so as to be ready to be issued to supply the place of the present one when called in, no inconvenience would be experienced by the people of Ireland. There would certainly be some loss to the revenue on this transaction. As, however, this coin has been issued for more than its intrinsic value, the loss would be confined to the expence incurred in making it, and to the weight of copper lost by the wear of the coin. The expence of making it was 42*l.* per ton for the penny, and 49*l.* per ton for the halfpenny and farthing coins, and 5*l.* per ton for packing, carriage and freight. There were made 152 tons of pennies, and 448 tons of halfpence and farthings. The whole expense being 41,336*l.* But all this sum would not be lost to the public, if the new coinage could be made upon the same terms as the last, because this was issued at a clear profit of upwards of 20,000*l.* But, though a loss should be to be incurred equal to the difference between the expence of making the last coinage and the profit of issuing 600 tons of new coin, it will be of little consideration when compared with the advantages to be derived from the transaction. As to the loss by the wear of the coin, this could be very little, in consequence of its having been so recently issued.—I shall now, Sir, advert to the silver money of Ireland. If that had continued to consist of mint silver as it did till 1804, no difficulty, whatever, would present itself on this head; but as there is now no mint silver in Ireland, and as its place is supplied by bank tokens, it is to be considered what shall be done with them in the arrangement for accomplishing the assimilation. They consist of pieces bearing the value of 6*s.* 30*d.* 10*d*, and 5*d.* Those for 6*s.* have been issued by the bank of Ireland on their own account, each token is a Spanish dollar newly stamped; and as the dollar is now current in Ireland for 4*s.* 10*d.* it circulates in these tokens for 14*d.* more than its true value. The amount of them in circulation is 232,352*l.* The other tokens had been issued by the bank on account of the government, under the 45 Geo. 3, c. 42, and 48 Geo. 3, c. 31. By these acts the token for 5*d.* contains 1-13 part of a Spanish dollar; for 10*d.* 2-13, and for 30*d.* 6-13 parts: thus giving to the dollar the value of 5*s.* 5*d.*, being 7*d.* more than its true value*. The amount of these tokens in circulation is 743,404*l.*—As, however, these tokens were issued to serve a temporary purpose, and to supply the place of mint coin, till a fit opportunity should present itself for issuing a new silver coinage, I shall propose, sir, in order to render the silver currency of Ireland, the same as that of England, that a new coinage shall be issued common to both countries, and I feel that I am fully warranted in making this proposal so far as England is concerned, because it is quite notorious that there is an absolute necessity for a new coinage in this country.—What I have proposed to be done so far, can be accomplished by the executive government, but this will not be sufficient, I have other measures to propose, but these must be carried into effect by act of parliament. As, Sir, I am most anxious that the alteration in the value of the currencies should not be attended with any injury to individuals, and that they should not have any grounds for entertaining even apprehensions of suffering injury, I shall propose that an act of parliament should be passed to declare that all contracts for sums of money, made previous to the day, on which his majesty should fix by his proclamation the assimilation to take place, should be construed as sums of Irish currency, unless otherwise expressed by the contract; and that all contracts for sums of money made subsequent to that day, should be construed to be for sums of British money, unless also otherwise expressed. Such a regulation would secure the

* It is impossible that any arrangement of the value of these tokens, could have been more against the spirit and advice of the report of the Committee than this, because 30*d.* 10*d.* and 5*d.* Irish are not convertible into any adequate sums of English currency.

faithful performance of all contracts, and prevent the possibility of any injury being sustained by the parties to these contracts. —I have also to propose, that it shall be provided by act of parliament, that no banker shall issue notes for sums in Irish currency after the same period; and in order to secure the currency of Bank of England paper in Dublin, with a view of obtaining an assimilation of paper currency as well as of the currency in coin, I shall propose that this paper shall be made a legal tender in Ireland equally with the Bank of Ireland paper. I conceive, Sir, it is quite sufficient to make the bank paper of one country current in the other, in order to obtain a common currency of paper, and that it will not be necessary to make Bank of Ireland paper a legal tender in England, because the power of converting Bank of Ireland paper into Bank of England paper in Ireland, which must be the result to a great degree of making the latter a legal tender there to the extent proposed, will give to the Bank of Ireland paper all the qualities of the latter.—These, Sir, are the several measures which I propose to have adopted, as forming a plan calculated to accomplish the assimilation of the currencies of the two countries. And, I feel quite confident, that each of them is not only practicable, but, in every respect calculated so as not to injure any one. I am very well aware of the great difficulty of arranging a plan for such a purpose, and was it not that I find such good authority for every thing that I have proposed, in the report of the Committee of this house and in the precedent of Scotland, I should be very backward in recommending it with the degree of confidence that I now do.— But, before I quit this part of the subject, I beg leave to call the attention of the house to some observations upon the probable operation of this plan. In regard to money on account, or the way in which accounts are stated, it will be optional to adhere to the mode of stating them in Irish currency, or to adopt the money of account in use in England. It certainly will be most convenient to state them in English currency because the money of account will correspond with the money of circulation. In respect to payments of money, those made with guineas, mint silver, or bank notes current for guineas, the operation of making them will be exactly the same as it now is. The guineas, will pay 22*s.* 9*d.* Irish currency, just as it now does, the half crown 2*s.* 8*d.*, the shilling 1*s.* 1*d.* Every one, therefore, receiving or paying rent, or interest money with them, will receive or pay just as much, both nominally and really, as he receives or pays under the present state of things. But payments made with bank notes current for so many pounds British currency, or with the new copper coin will appear to be differently made; though in reality they will not be so; for though 12*d.* of the new coin will pay what 13*d.* of the present one pays, as 12*d.* of the new coin will contain as much copper as 13*d.* of the present coin, the value of 12 pennies of one will be equal to the value of 13 pennies of the other. So the pound note for 20*s.*, though it will pay what the pound note for 20*s.* Irish pays together with 1*s.* 8*d.* Irish, as it will be worth 20 shillings, and each shilling will be worth 12*d.* of the new coin, it will be exactly of the same value as the Irish pound note, together with the 1*s.* 8*d.* Irish; and, therefore, the difference in way of making payments with those notes will be a nominal and not real one. For if a landlord shall receive 108*l.* 6*s.* 8*d.* of his rents as stated in Irish currency, by the payments of a note for 100*l.* of the new currency, he will receive the full value of his rent, because he will be able to obtain for this note of 100*l.* as many guineas, shillings, or pence, as he could get with 108*l.* 6*s.* 8*d.* of paper of Irish currency; or rather, sir, to speak with greater accuracy, he would be able to purchase with this note for 100*l.* as many commodities as he could purchase with the 108*l.* 6*s.* 8*d.* of Irish currency. It being an established maxim in the science of political economy, that the real value of a commodity does not depend upon the value of the money with which it is purchased, but upon the proportion which the supply bears to the demand of such commodity. If, sir, I was not perfectly convinced of the truth of this maxim, I never would have proposed any alteration in the currency of Ireland. For if landlords should be injured by it, I have many reasons to be adverse to it; and I should hope that I shall have credit given to me when I say, that the last thing that I would ever undertake would be a measure by which the tenantry of Ireland should be clandestinely injured.—I have now, Sir, only to make a very few observations as to the time of carrying this plan into effect. I conceive, sir, that no time can be so fit as the present, because it so

happens that exchange is nearly at par. When the Committee made their Report, exchange was so much against Ireland, that it formed a very inconsiderable obstacle to the measure which they recommended. As it may again become unfavourable in the same degree in which it was before to one country or the other, in consequence of the power which the bank possesses of issuing whatever quantity of paper it pleases, it is particularly desirable that this opportunity should not be lost. This in fact has been the very first opportunity that had occurred since the committee made its report; and it is for this reason that I have thought it advisable to bring the subject before the house.—The conclusion then, Sir, which I desire that the house may draw from what I have said, is, that this measure of assimilating the currencies would be productive of the removal of feelings of distinction between the people of England and Ireland that ought not to exist; that it will relieve the commercial intercourse of these countries from a great and injurious restraint; and that it will do away the existence of an exchange between them; that the plan for carrying it into effect is one of great simplicity, and perfectly practicable without injury to any one, and that the present is the most fit period that could occur for accomplishing it; and though I cannot expect that a proposal of a great alteration in a manner so extremely abstruse and complicated, can at once meet with very general approbation, I do feel confident that the more it is examined, the greater will be the numbers of those who will give their support to it.—I shall move, Sir, that you do now leave the chair.

Mr. *Foster* said, that though he agreed with the hon. gent. as to the eligibility of doing away the exchange between the two countries, yet he could not subscribe to the measure which he proposed, as he did not consider it calculated to produce the end; even if it were, he did not know by what legislative measure they could enforce the adoption of it. Remittances, however made, must be made in money, and both banks were tied up from issuing a guinea beyond a certain sum. He thought it impossible to put down the exchange altogether; perhaps the most they could expect was to prevent the fluctuations to which it was now subject. The hon. gent. recommended that the bank of England paper should be a legal tender in Ireland; but he (Mr. F.) would ask, was the bank of Ireland paper a legal tender here? And he would warn the house how it would adopt any measure, the consequences of which might be so injurious to the country, as the making of bank paper a legal tender in any part of the kingdom. He must oppose the motion for going into a committee, as no good could result from it, and much injury might possibly ensue, in the present state of things, if the attempt were made without success. About four years ago, there was scarcely any currency in Ireland, but since then there was a sufficiency of silver to answer all her domestic purposes; she was also in complete possession of a copper currency much better than that of England; the amount of her silver currency was about 1,200,000*l.*, 200,000 of which was issued by the Bank of Ireland in Bank tokens; there was no part of the Irish currency aliquot parts of the English denomination. The hon. gent. proposed to call in and recoin all this money; but he had not stated what was to be done in the mean time, or how the inconvenience of waiting until it was recoined, was to be obviated. He (Mr. F.) was against holding up to the expectations of the country what was impracticable, and therefore he would oppose the motion for going into a committee.

Mr. *O'Hara* said, that the cause of the exchange between the two countries was, that one was in debt to the other, in which case, the exchange was always in favour of that which was the creditor. Ireland was much in debt to England.

Mr. *H. Thornton* said, that he was a member of the committee to which the hon. gent. had referred, but when the committee recommended the measure he had quoted, they had a view to an antecedent measure, which did not take place.

Mr. *Ponsonby* said, that though he entertained the greatest respect for every thing that fell from his hon. friend, who had, upon that occasion, displayed great ability and knowledge; still he was of opinion, that his plan would, after all, be attended with considerable difficulty, if it was not altogether impracticable. While the restriction with respect to the issuing of money from the Banks existed, he thought there was a great obstacle to it; nor did he think that the equalization of the coin would produce so great an effect upon the exchange as the hon. gent. seemed to think. A bill which had been brought forward by an hon. friend of his, the member for Waterford, (Sir J. Newport) per-

mitting the export of corn from Ireland into England, had done more to equalize the exchange than all the other causes put together. Looking forward with hope to the time when it would be more practicable than at present, he would, if he might presume to advise his hon. friend, recommend that he would not press the house to a division upon the question.

Mr. *D. Giddy* allowed that it would be a desirable object to assimilate the course of exchange, but did not think the measure before them calculated to effect it.

Mr. *Parnell* said, that he wished to set himself right in the conception of the house, in a few parts of his statement, in which he had been misapprehended. He was always aware that bank paper was not a legal tender, and he thought he had guarded against the appearance of any intention of making it so, as his words were "as legal a tender in Ireland as in England," not simply a legal tender. As to what the right hon. gent. opposite (Mr. Foster) had said, his whole argument was founded on a misconception. When he proposed to call in the coin, he did not intend that it should be done until new coin was prepared to supply its place. As to what had been objected against the assimilation of the coin, &c. as inadequate to keep down the exchange, they would find that it had succeeded in Scotland; and with respect to the objection of time, the present state of exchange, as he had said before, rendered it peculiarly appropriate.

The motion was then negatived without a division.

[Militia Completion Bill.] The order of the day having been read for going into a committee on the Militia Completion Bill, lord Castlereagh moved, that the house do now resolve itself into the said Committee.

Lord *A. Hamilton* repeated his objections to the bill, on the ground of the pledge which had been given to the country in a former bill, which pledge the adoption of the present bill would forfeit.

Lord *Castlereagh* replied, that no such pledge had ever been given. As the best proof of this, he observed that he had introduced into the present bill words precisely similar to those in the bill alluded to by the noble lord, without the least intention that those words should carry with them any thing like a pledge. He should not consider it consistent with his public duty to make a proposition which should so tie up the future discretion of parliament.

The house then resolved itself into the committee. A long discussion ensued on the first clause. Mr. Giles and Mr. Windham contended that it was absurd to provide for supplying a deficiency in the Militia to the extent stated in the bill, without the possibility of previously knowing whether or not the volunteering into the line would be so complete as to occasion that deficiency.

Lord *A. Hamilton* was by no means satisfied that the different militia regiments would furnish the quotas required from them for the line; without speaking positively as to the fact in general, he knew one regiment which failed in furnishing its quota.

Lord *Castlereagh* could see no difficulty in disposing of the supernumeraries in the Militia, even should it turn out, which he did not think it would, that the volunteering into the line would not be so extensive as the present bill anticipated. They might be added to the existing companies, or formed into additional companies.

Colonel *Wood* observed, that in a regiment which he had the honour to command, the quota to be furnished by the bill would not even supply the deficiencies occasioned by the volunteering, for the latter amounted to 550, while the former did not exceed 531 men.—The clause was eventually agreed to.

The next clauses related to the ballot.

Mr. *Giles* opposed the ballot, as productive of great mischiefs.

Lord *Castlereagh* defended the introduction of it in the bill before the committee. He had been induced to extend the period before which the ballot was not to be resorted to, from six to twelve months; but he was completely of opinion, that if in the latter time the number of men required were not furnished by means of recruiting, it would be unwise not to secure them by other means.

Mr. *Windham* ridiculed the expectation that the recruiting could proceed successfully with a small bounty, while the men willing to enlist had in prospect the period when the operation of the ballot would necessarily cause a great augmentation of bounty. The argument of the noble lord was, as if he should say to such men. "Come, come, my lads, make haste, take 12 guineas, for if you don't, you will be very soon compelled to take 40."—(A laugh.)—Nothing could be more unfounded than the hopes that under circumstances like these the recruiting would flourish.

Mr. *Giles* objected to this as the worst possible mode of recruiting the army, and by no means to be compared to recruiting by the officers of government.

Lord *Castlereagh* maintained the clause as a fundamental part of the present military system of the country which preferred the ballot to recruiting by other means. He contended that the former was the surer mode of raising the men, and confessed he was not daring enough to try the experiment of recruiting recommended by the hon. gent. The experiment for one year was all he durst venture upon.

Mr. *Giles* explained. Whether friend to the ballot, or recruiting, he would equally object to the noble lord's plan and take the sense of the house upon the present clause.—The committee then divided,

For the original clause - -	52
Against it - - - - - - -	12
Majority - -	—40

On re-entering we found sir J. Montgomery proposing that recruits for militia regiments might be raised in the counties adjoining to that to which they belonged; which, after some observations, was agreed to.

Another divison took place on the clause for imposing a fine of 20*l.* per man, on counties failing to furnish their quota of men.

For it - - - - - - - - -	34
Against it - - - - - - - -	9
Majority - -	—25

The remaining clauses having been gone through, Mr. Biddulph proposed a new clause: the object of which was to prevent peers of the realm claiming exemption from the operation of the bill. On this clause the committee again divided; when the numbers were,

For the clause - - - - - - -	1
Against it - - - - - - - -	37
Majority - -	—36

The house having resumed, the Chairman reported progress, when the further consideration was postponed till Thursday next.

HOUSE OF COMMONS.

Wednesday, April 19.

[Irish Commissioners' Fees Bill.] Mr. Foster moved the Order of the day for the second reading of this bill.

Mr. *Parnell* said, that he did not intend to oppose this motion; but he wished to take this opportunity of expressing his opinion upon the reports already made by these Commisioners. He said, that he did not think the report upon the assessed taxes was such a one as the great defects in the manner of collecting them called for. That the Commissioners had not brought to light the abuses that notoriously prevailed, nor given any advice by which the system might be amended. He wished that they would review the subject of collecting these taxes, and suggest what might appear to them necessary for rendering them more productive. The other reports contained a large portion of very important information, and did credit to the zeal of the Commissioners. He wished, however, to know, whether the abuses they exposed had been put down, and whether the recommendations of reform contained in them had been acted upon. In the Custom departments they shewed great irregularities to have existed in the conduct of the officers employed to superintend the coasting trade, and to take care of goods landed on bills of view —a sum of 200,000*l.* having been lost to the public by goods taken away from the Custom-house, without payment of duty. —They likewise found great fault with the system in which the collector's accounts were ordered to be kept, and with the jurisdiction of the Sub-Commissioners. In the Excise department, they fully proved that where a revenue of 700,000*l.* had been collected on spirits, one of 2,200,000*l.* ought to have been levied. This was a matter of great importance, because it proved beyond a doubt that, if this duty was properly collected, no necessity would exist of any such tax as that proposed this year on malt. The Commissioners, as a remedy for illicit distillation, had proposed the adoption of small stills, as used in Scotland, a remedy that appeared to be the only effectual one that could be adopted. The hon. member said, it was absolutely necessary that something should be done immediately to meet the evil, for that one county had been fined at the last assizes 5,000*l.* He said that the existing laws were very defective, inasmuch as they imposed very heavy fines on illicit distillation, at the same time they obstructed legal distillation, by giving great encouragement to large stills, which requiring very great capital, could not be set to work in the counties where the illicit distilling was carried on, for want of sufficient capital. He next adverted to the

Auction duty, which appeared to give no produce whatever. But the most important matters in the reports of these Commissioners, was a recommendation that all revenue officers should be promoted in succession, and acccording to merit, for without adhering to such a system, it was impossible to collect the revenue; the greater part of the abuses arose from the improper manner in which appointments took place, and therefore he hoped that this advice would be strictly adopted. He thought it extremely hard upon the different boards of Commissioners that they should not be left at liberty to select and promote their own officers, and that, unless they had this power, it was impossible that they could discharge their duty in the manner they ought to do. He by no means intended to attach blame to the present boards, for any thing that these reports contained, because he did not know how far measures had been taken by them to remove the abuses complained of, or whether they had had the means of preventing them.

Mr. *Foster* said, that in respect to the assessed taxes, the sub-commissioners, and the distilleries, it was his intention to bring forward measures immediately for meeting the complaints contained in the reports. That steps had been taken with good effect already to do away the abuses that existed in the coasting trade, landing goods on bills of view, and the collection of the auction duties.—That the mode of stating the collectors accounts was very truly pointed out as defective, and that measures should be adopted for reforming it.—That in respect to the conduct of the inferior officers of the revenue, he should propose to grant an amnesty of all transgressions up to the period of the late regulations for increasing their salaries, nearly the whole of them having taken fees under the former system, in consequence of the smallness of their salaries and legal emoluments.—That, however, it was the fixed determination of the government to act without any regard to persons and services in punishing any officer who should hereafter take a fee. The right hon. member said that in regard to the distilleries, he had last year, in compliance with the wishes of many persons, admitted stills of 800 gallons to be used, but that it would answer no end to make any alteration in the existing laws till a complete reformation took place in the conduct of the inferior officers; that he was glad the hon. member had sought for the information he had desired, as it gave him an opportunity of fully justifying the policy of the present bill.

Col. *Archdall* said, that it was absolutely necessary that something should be done to put down the illicit distillation, and protect the people of his part of the country from the great rigor of the distilling laws.

Col. *Barry* said, it was with great reluctance he ever differed from his right hon. friend, but he must say that he thought the fining of counties for illicit stills discovered in them was a most unjust proceeding.—That 15,000*l.* had been ordered to be levied in his county, and that if payment of it is enforced that it will ruin many poor families.—He therefore thought that it was absolutely necessary that something should be done immediately to relieve the people from such enormous penalties.

Mr. O'Hara expressed the same opinion.—The bill was then read a second time.

[Bankrupt Laws Bill.] The house having resolved itself into a Committee on the Bankrupt Laws Amendment bill,

Sir *S. Romilly*, in order to obviate an objection, which he understood was to be made to the clause for allowing bankrupts who may have obtained their certificates to be witnesses, without any release of their allowances, in cases where their assignees were claimants, proposed an amendment, to provide that bankrupts were not to be allowed to be admitted as witnesses under this act, but in such cases wherein they may by law be competent witnesses before the passing of this act.—The effect of this amendment was to allow bankrupts to be witnesses upon releasing their interest in the particular matter in issue, without a general release of their allowances upon the other property assigned under the commission.

A long discussion ensued both on the clause and the amendment, in which the Attorney and Solicitor General, and Mr. Davies Giddy, expressed strong doubts of the propriety of making any inroad upon the law and rules of evidence as they exist at this moment; and sir Samuel Romilly, Mr. Stephen, Mr. Jacob, Mr. Morris, and sir Charles Price, argued, in substance, that it was desirable to adopt the clause thus amended, in order to do away the practice of giving nominal releases by fictitious instruments which were afterwards to be concealed, and to prevent, if the release were real, the bankrupt from being obliged to give all he would in that

case possess in the world, for the purpose of becoming a competent witness. The amendment was, however, in the end agreed to, and the clause so amended retained as a part of the bill.—On the clause for requiring creditors to release all right of action, on proving their debt under a commission of bankruptcy, the Attorney General stated that he had some objections to this clause, but should wave them, as he understood that his hon. and learned friend intended to obviate them by a clause, which would provide against a creditor's releasing his right of action against a third party, where he had such right, as well as such bankrupt, and to prevent the creditor from releasing his right of action against the future effects of a bankrupt, whose dividends under a second commission of bankruptcy should not amount to fifteen shillings in the pound. —On the clause for authorizing the Lord Chancellor, or the Lord Keeper of the Great Seal, for the time being, to direct notices, other than personal notices, to be served upon creditors in England and Ireland reciprocally, upon appeals by petition on the part of a bankrupt, to whom his creditors should after two years continue to refuse his certificate, a member took some trifling objections, which, after a few observations from sir Samuel Romilly and the Solicitor General, were over-ruled, sir Samuel Romilly having previously stated his intention to bring in a clause, after the bill should be gone through, providing that in all such cases such other notice should under English commissions be given in the Dublin Gazette to Irish creditors, and under Irish commissions of bankruptcy to English creditors in the London Gazette.— On the clause giving to the Lord Chancellor or the Lord Keeper of the Great Seal, the power to grant a certificate on such appeal by the bankrupt, if the certificate should appear to have been withheld by the creditors from improper motives, another long discussion took place, the Attorney General and Mr. Jacob contending that it was more fit that the power of granting or withholding the certificate should be vested in the creditors or in some proportion of them, than in any other tribunal, because the creditors must be the best judges whether the bankruptcy was fraudulent, though it might not at all times be in their power to prove the grounds upon which they were of this opinion, on an appeal by the bankrupt to the Chancellor. Whilst, on the other hand, it was most strenuously contended by Mr. Abercromby, that this was the most beneficial clause in the bill, because no certificate would be granted upon an appeal, unless it should appear to the Lord Chancellor that the creditors have no good ground for withholding it; and it appeared from an account on the table, that out of 16,000 persons, who had been bankrupt within the last twenty years, 6,597 were uncertificated, and could never acquire any property for themselves or their families, unless this clause should be enacted to place them within the reach of relief.

Mr. *Stephen* contended that the great proportion of uncertificated bankrupts being three-eighths of the whole number, proved that the interference of parliament was necessary. This proportion was much the greatest in years of unexampled misfortune; and this circumstance went strongly to prove, that it was not merely the dishonesty of debtors, but their misfortunes, which were punished by stopping their certificates.

The *Solicitor General* contended that it was better that, according to the law as it now stands, the bankrupt's certificate should depend on the judgment of the creditors than of the Lord Chancellor. He cited to this effect the opinions of lord Thurlow, lord Rosslyn, and lord Clare, who had been all of them chancellors. He thought that in this bill humanity appeared to be confined to the bankrupts, and that the sufferings of the creditors had not been sufficiently attended to. If, however, the clause should be rejected, he would move that instead of four-fifths of the creditors, three-fourths of the creditors, and of those only who had released the person of the bankrupt, should be sufficient for signing the certificate.

Sir *Samuel Romilly* said, that the hon. and learned gent. had mis-stated what lord Eldon had said about the opinions of lords Thurlow, Rosslyn, and Clare. What they had said was, that it would be dangerous to leave the determination of the certificate entirely to the Chancellor. The present clause, however, did no such thing: it only empowered the Chancellor to interfere if he thought proper, upon a petition presented by a bankrupt who had been two years without his certificate. Now, as to fraudulent bankrupts, all those who had any experience in the court of chancery knew that they obtained their

certificate easier than the honest bankrupts. Fraudulent bankrupts always contrived to have false debts proved, in order to get themselves whitewashed, according to the common phrase. Their bankruptcies were for the purpose of gaining their certificates; whereas honest bankrupts had much oftener to endure the severity of the laws from the obstinacy or caprice of some one creditor. He allowed the people of England and the merchants of England were generally humane; but often great cruelties were practised, which the law should prevent. To say, that from the humanity of the English character these cruelties were not common, was in fact to say nothing. Neither were murders common, but that was no reason that there should not be laws against them. He could state one instance of cruelty to a bankrupt which came within his own knowledge. A bankrupt had been arrested at the suit of a house in the city, and one of the partners of that house was chosen the assignee. This assignee delayed for three years to make any sort of dividend, in order that the house might not be obliged to make its election about proving under the commission. At the end of three years, however he was obliged to make a dividend, but he then divided his debt, proving only one-half. This creditor had frequently been heard to declare, that the bankrupt should never go out of jail except to his grave, and his threat was accomplished. It having been stated to the Chancellor, that the bankrupt could not live more than two or three weeks longer in confinement, he appointed an early day to hear his petition; but though the decree was in favour of the bankrupt, the assignee contrived to have another detainer laid upon him, which gave rise to a more protracted litigation, and his debtor never did leave the jail but for his grave; and there was no doubt but the death of the bankrupt was owing to the obduracy of the creditor. He did not say that such cases were common, but that they should not be allowed to exist. The life of an honest man or his perpetual imprisonment, should not depend upon the caprice of partial judges, after the bankrupt had fairly surrendered his effects.

Mr. *Wilson* said he was rather anxious not to admit this clause than to dispute it; but till he could put the bankrupt law on a footing which should protect the fair trader, he could not agree to adopt it.

The clause was then agreed to. Several new clauses were afterwards brought up by sir Samuel Romilly and the Solicitor General, and agreed to. The house resumed; the report was received, and ordered to be taken into further consideration this day se'nnight.

HOUSE OF COMMONS.

Thursday, April 20.

[Breach of Privilege.] Sir Charles Hamilton presented a Petition from Daniel Butler, the Sheriff's officer, by whom he had been arrested, and who had been confined in Newgate, in consequence of such a breach of the privileges of Parliament. The Petition stated, That the petitioner with all humility and contrition, most humbly begs pardon of the house, and particularly of sir Charles Hamilton, bart., the hon. member whom he so grossly and personally insulted on Wednesday the 12th day of this instant April, as appears by the Votes of the house as follows; "That, on Wednesday last, about half an hour after three of the clock in the afternoon, he was arrested in his own house by the said Daniel Butler (an officer of the Sheriff of Middlesex), and that he was insulted by him for endeavouring to convince him that he was not the person specified in the writ, in breach of the privileges of this house;" upon which Complaint the petitioner was by the house committed to Newgate; and that the petitioner has been an officer to the Sheriff of Middlesex ten years, in which situation he trusts he has conducted himself with the strictest propriety; and intentionally to give any offence, or to attempt to arrest any hon. member of this house, is the last thing he could think of, well knowing how they are privileged; but this unfortunate mistake arose from the instruction he received from a brother-officer, who requested the petitioner to execute the said writ for him, it being a practice for one officer to oblige another in that way; and the petitioner had a paper to that effect in his hand when at the bar of the house on Friday last; and that the petitioner, after he was so committed, in the lobby of the house expressed his sorrow and contrition to the said sir Charles Hamilton for the great offence he had committed on his person in so arresting him for another baronet of the said name, the writ being for a sir John Charles Hamilton; and the petitioner begs to state that he has a wife and seven

children that depend upon his exertion for their support, and they as well as the petitioner lament this unfortunate transaction, and humbly implore the house, that, in their mercy, they will pardon the petitioner's great crime, and order him to be brought up to the bar of the house to be discharged, the petitioner being fully convinced of his crime.

Sir *C. Hamilton* moved, that he be brought to the bar of the house to-morrow, for the purpose of being discharged.—Agreed to.

[Papers relative to the Armistice in Portugal.] Mr. *Yorke* rose for the purpose of making his promised motion, relative to the Convention and Armistice in Portugal. He wished particularly to call the attention of the house to some political circumstances, by which it would appear, that some opinions of gen. Bernardine Freire, with respect to the Armistice concluded in Portugal, coming to this country before the dispatches of sir Hew Dalrymple, had tended to prejudice the public mind against that officer. A plain statement of the circumstances would tend to shew things in, perhaps, their proper colours. Sir Hew Dalrymple, it appears, landed in Portugal the day after the battle of Vimiera, and had proceeded, not from England, where he might obtain exact information in every point of view, but from Gibraltar, where he must necessarily have been uninformed. He had not been in the country above an hour and a half, when general Kellerman arrived with a flag of truce; in this situation, he of course was under the necessity of being completely guided and governed by the officers whom he found on the spot; he then, under their guidance, concluded an Armistice, with a view to negociate a Convention, and a copy of this Armistice he communicated to gen. Freire, for the purpose of ascertaining his sentiments upon it. What was the consequence of this highly political step? Why, gen. Freire, to whom sir Hew Dalrymple had sent the Armistice, in order to profit by his judgment on it, immediately wrote off to ministers here, the most unfounded comments concerning it! This was made public here, and tended very much to inflame the public mind against sir Hew Dalrymple. He therefore thought it now material that his own letter on the subject to lord Castlereagh should be laid before the house. Sir Hew Dalrymple had not thought proper to avail himself of these papers before the Court of Inquiry, because they were of a political nature, and the court had been instituted for purposes merely military. In justice, then, to the character of that officer, he hoped these documents would be now produced, from whence he was likely to acquire some advantage. The only representation which had been made to our generals in Portugal, by the Portuguese generals upon the subject, was a letter from the bishop of Oporto to sir Arthur Wellesley; and this communication was made some days after even the Convention had been signed. He should be one of the last men in the house to move for any papers by the production of which government might be in the least degree embarrassed; he trusted there would be no objection on their part to comply with his present motion. He was of opinion, that the conduct of sir Hew Dalrymple had been much misunderstood, and he would ask whether it would be candid in the house to refuse him a justification. He had met a most severe censure; a censure, too, which perhaps those who gave it did not justly estimate. The heroic spirit of our army was almost proverbial, and those who condemned our officers on slight grounds, condemnations eagerly echoed by a venal press, ought to be severely reprehended. He would appeal to the case of sir Robert Calder, who, after much service and splendid victories, had been very hardly treated. He then moved, "That an humble Address be presented his majesty, that he will be graciously pleased to give directions that there be laid before this house, copies or extracts of a Letter from lieut.-general sir Hew Dalrymple to lord viscount Castlereagh, dated 23d Dec. 1808; together with such of the Enclosures therein contained as relate to any representations stated to have been made by any of the Portuguese authorities at Oporto to the Portuguese minister in London, or to lieut. general sir Arthur Wellesley, upon the subject of the late Armistice in Portugal, signed at Vimiera on the 22d of August 1808, in so far as the production of the same may not be prejudicial to his majesty's service; and also, copy of a Letter from lord viscount Castlereagh to lieut.-general sir Hew Dalrymple, in answer thereto, dated 10th Jan. 1809."

Lord *Castlereagh* opposed the motion, on the ground that he had left it to the discretion of sir Hew Dalrymple, whether or not he would have those papers produced

at the Board of Inquiry, which he declined. He was not aware that any impression had been made on the public mind adverse to the officer in question, or that it would be of such importance to his character, as the right hon. gent. seemed to think, to have these papers made public. Of this he was certain, that every representation which could be favourable to sir Hew Dalrymple, had been laid before his majesty before the final decision.

General *Tarleton* said, although he would not object to the motion, yet he could not help thinking it would not have any beneficial effect in justifying that disgraceful Convention, nor any of those connected with it. This general succeeded to the command of an army, equal if not superior to the French, in cavalry, in infantry, and in spirit. These were opposed to an army composed of bad materials, for the army of Junot, it must be recollected, were not like the army of Spain; in short, it was such an army as might very likely have triumphed over the Portuguese, but not over the British forces. He should be sorry to hear any officer expressing himself as that right hon. gent. had done, for although he (Mr. Yorke) had been Secretary at War, he appeared to have a very different tinge of mind from any military person as to military transactions. Many officers had told him that a great and pernicious effect had been produced in Spain, in consequence of the previous Convention of Cintra; and this he believed, as it could not be deemed honourable for any officer to go with the placard of Cintra about his neck. Never were there 28,000 men of a finer description than those employed under sir Hew Dalrymple, and yet we had nothing like the Convention of Cintra that stood in the annals of the British history. God forbid that we should ever look upon it in any other view than as most disgraceful; for he would rather place his hand in the fire, than put it to such a Convention as that was. The letter called for had not been transmitted till eleven days after the Convention of Cintra, and he thought that the generals ought to be condemned for their delay in sending dispatches.

Lord *Ossulston* generally differed from the hon. mover on the subject of the Convention of Cintra, which he did not consider as at all honourable or advantageous to the country. He often found it the case that where men very strenuously upon all occasions stood up for the royal prerogative, they were very little interested in the honour of the country. (This we understood to be the substance of the noble lord's speech, but as he spoke in so low a tone we may not be completely correct.)

Mr. *Yorke* rose in some warmth to repel the insinuations of the noble lord; he had held a seat in that house much longer than the noble lord, and was as warmly interested both for the country and constitution. He had been educated in the principles of the Old Whig School, and was as zealously attached to the interests of the people as the noble lord, or any of his ancestors.

The motion was then put, and negatived. Mr. Yorke then moved, That the copy of a Letter, dated Sept. 8, 1808, containing an account of the number of transports employed in carrying French and Spanish troops from Lisbon, should be laid before the house.—Agreed to.

[Spanish Treaty.] Mr. *Ponsonby* rose to put a question to a right hon. gent. opposite, as to the interpretation of the Treaty entered into with Spain, that part of it, he meant, which went to bind his majesty to an alliance with the Spanish Government. He would read to the house from a paper he held in his hand, the passage of which he now sought the explanation, it ran thus, "His Britannic Majesty engages to continue to assist to the utmost of his power the Spanish Nation in their struggle, against the tyranny and usurpation of France, and promises not to acknowledge any other king of Spain, and of the Indies thereunto appertaining, than his catholic majesty Ferdinand the Seventh, his heirs, or such lawful successor as the Spanish nation shall acknowledge." Now in his judgment, this might admit of either of two interpretations, and yet he was not at all prepared to say, whether either of those two interpretations was such a one as the treaty itself was meant to bear: one, that it admitted of, was that the king was bound to acknowledge Ferdinand, and no other in any event, as king of Spain; the other, of which it might equally admit, was, that the king was bound to admit as the successor of Ferdinand a king *de facto*, being so acknowledged as king by the Spanish nation, and considered by them as the lawful successor of Ferdinand.

Mr. Secretary *Canning* replied, that the Treaty in question was not meant to bear either of the two interpretations mention-

ed by the right hon. gentleman. The Treaty was not in either of those senses. It certainly did go to bind his majesty in strict alliance with the Spanish nation, and, of course, to the exclusive acknowledgment of Ferdinand as their lawful sovereign; but this was only so long as the Spanish nation thought proper to hold good to their part of the contract. Ferdinand, and the immediate successors to the Spanish throne, were then in the power of France: and it had been understood, that in the event of the removal of their claims by demise, it would become a matter of grave question amongst the Spanish jurists, upon whom the superior right of succession to the crown would devolve; it was therefore but provident to word that part of the Treaty so as it might bear a prospective relation to such an event; for it would not be denied, that in a question of that nature, this country would have no right to interfere with the exclusive privilege of the Spanish people. That part of the Treaty had that bearing and the most desirable object in the case of such an event they had in view was, the legitimacy of the successor, qualified by the acknowledgment of the nation. As to any question arising out of the successful issue of French usurpation, when that usurpation was acknowledged and acceded to by the Spanish nation, Spain and England would be no longer acting in concert against France, and therefore the avowed object of the present Treaty would be given up, and the contract between the two countries dissolved. Whenever the Spanish nation should cease to consider France as her enemy, while France was ours, from that moment the Treaty would be *ipso facto* annulled.

Mr. *Ponsonby* said, that as far as related to the divided claim to the crown of Spain eventually, and the doubts upon that subject among the Spanish jurists, he knew nothing of either till the right hon. gent. had then informed him. With respect to the nature of the contract entered into between the two countries, he was ready to admit the explanation of the right hon. gent. to be perfectly satisfactory; but, in giving this opinion, he did not thereby pledge himself to an approbation of the Treaty itself, or the grounds upon which it had been entered into. The next question he had to ask was in reference to a Letter from Mr. Frere to sir John Moore, dated Talavera de la Reyna, Dec. 3, 1808, and beginning, "Sir; In the event which I did not wish to pre-suppose of your continuing in the determination of retiring with the army, &c." This letter he (Mr. Ponsonby) understood to conclude with a request that the bearer of that letter might be previously examined before a council of war. Now, considering the respective situations of that gentleman and sir John Moore, he could not help saying, that this request appeared to him to be one of the most extraordinary, that ever was made (Hear! hear!). Was it to be believed that a person——

Mr. Secretary *Canning* rose to order; though the right hon. gent. had said full enough to tempt him to enter into some justification of the conduct of his right hon. friend, as well as from a sense of public duty as the motives of private friendship, he should, however, forbear, provided the right hon. gent. would stop there, and confine himself to the putting of any question he might think proper to propose.

Mr. *Ponsonby* admitted that the right hon. gent. was right, and that he was wrong. The questions he had to put were—He wished to know the name of the bearer of this letter from Mr. Frere to sir John Moore; who this messenger was, and what the nature of his message?

Mr. Secretary *Canning* replied, that he could give no answer to the latter part of the right hon. gent.'s question, as he himself was not aware of the nature of the message. As to the name of the messenger, he must be excused if he declined answering that; but he believed his right hon. friend, in requesting that the messenger might be examined before a council of war, did so, not with any view of questioning the military authority or judgment of sir John Moore, but that the council might have every advantage of any extraordinary information possessed by a person so lately coming from Madrid, and an eye-witness of the scenes passing at such a distance.

Mr. *Whitbread* asked, what were the powers and instructions given to Mr. Frere, and whether the messenger alluded to already was a Frenchman or an Englishman?

Mr. Secretary *Canning* said that the instructions could be best learned from the papers that might be laid before the house referring to this subject. As to the nativity of the messenger, he believed, as was more probably the case, that he was a native of the country where he acted.

Mr. *Whitbread* said, he had asked the last question because he had it in contemplation to offer a motion to the house for the removal of Mr. Frere.

Colonel *Wood*, supposing that the letter from Mr. Frere to sir John Moore was in answer to one from that general, wished to know whether there would be any objection to the production of that letter.

Mr. Secretary *Canning* replied, that all the correspondence between sir John Moore and Mr. Frere, that had reached his office, was either in copies or extracts before the house. He took that opportunity of moving, That there be laid before the house copies of all the notes which had been exchanged between the Spanish minister and the Secretary of State relative to certain Articles of the Spanish Treaty.—Ordered.

[CHELSEA HOSPITAL—COLONEL GORDON.] Mr. *Huskisson* took occasion to call the attention of the house to a subject which, in consequence of the motion of an hon. baronet (sir F. Burdett), had on a former evening produced so much discussion. That motion had been submitted upon Friday; and, as from the statement preceding it there was some reason to apprehend that the building about to be erected by colonel Gordon, would interfere with the comfort and convenience of the hospital, he had thought it his duty to survey the place. This duty he felt due to the house and to the hon. baronet, and accordingly he visited the grounds alluded to. The result of this visit was that colonel Gordon's house being about to be erected upon a scite very inconvenient for the infirmary, he felt dissatisfied; and so far he agreed with the hon. baronet. But yet he wished it to be understood, that this discovery involved no contradiction of the statement he had on a former evening submitted to the house with regard to the conduct of the Treasury. In consequence, however, of this discovery, he thought proper to take a lord of the Treasury to view the premisses, and the effect of that visit was that upon a consultation with, and a recommendation from the governors of the Hospital and the medical gentleman attending it, supported by the opinion of the Surveyor General, the scite of col. Gordon's house was removed. But still he wished it to be understood, that this removal did not take place on account of any change of opinion on the part of the Treasury, with regard to the grounds originally laid before them. To the grounds upon which the Surveyor-General originally reported, that officer still adhered; while the physician and surgeon fully approved of the place chosen for the building of colonel Gordon's house, conceiving it in no degree inconsistent with the comfort and accommodation of the Hospital. The hon. gent. concluded with motions for the production of Letters addressed to the Treasury from the Surveyor-General of Crown Lands and the medical gentleman of Chelsea Hospital, with regard to the grounds to which his observations referred.

Mr. *Maxwell* said, that in order fully to satisfy his mind with regard to the premisses in question, he sought to see them on Monday last; but was informed by a person who had the care of the gate, and also by the workmen who were employed about the place, that it was as much as their employments were worth to admit any one. He was, therefore, refused admission, although he stated that he was a member of that house, and also the object of his visit. The refusal surprised him the more, as he understood from other quarters, what had been confirmed by the hon. gent. who had just sat down, that any or all persons connected with government promptly obtained admission.

Mr. *Long* professed to be unaware of any orders prohibiting the admittance of the hon. gent., or any other member, from viewing the premisses alluded to. He had seen those premisses, and he thought the projected erection exceptionable; at the same time, he begged it to be understood, that no person connected with the Hospital either in a civil, military, or medical department, had communicated any objection with regard to this building, up to the very day upon which the hon. baronet had made his motion. The consideration of the lease granted to colonel Gordon, was, that he should not raise any building, or even plant any tree likely to create any inconvenience to the Hospital. When the papers explanatory of the whole proceeding were laid before the house, he had no doubt that the conduct of the Treasury would meet with its approbation.

Sir *Oswald Mosley* rather wished to suppose that the gentlemen on the other side were unaware of the very exceptionable character of the whole of this transaction. The hon. baronet to whom the merit was due of bringing it before the house, was unfortunately unable, from indisposition, to attend since its original

introduction. But he could say for him, that he was not inattentive to the investigation of every thing connected with the subject. As to the prohibition of persons from seeing the premisses alluded to, the hon. baronet stated that he heard such an order of prohibition had proceeded from the present Commander in Chief, adding, that he believed his information was correct. The motive for such an order was suspicious, and that motive must be glaring to every man who considered the subject. It was stated on the part of ministers, that the scite upon which colonel Gordon's house was to be erected had been altered. But that was not enough; the whole of the ground ought to be appropriated to the accommodation of the Hospital. For that purpose it was avowedly purchased from lord Yarborough. Indeed he was informed that, upon such an understanding, lord Yarborough was induced the more easily to dispose of his interest in the lease. If this were true, he must observe that an additional degree of blame attached to the whole transaction. It would be, however, for the gentlemen on the other side to explain this point.

Mr. *Huskisson* declared, that he had read the whole of the correspondence with lord Yarborough upon this purchase, and that no such consideration as that alluded to by the hon. baronet had the slightest influence. The only object being, on the part of the noble lord, to obtain the highest price for the ground. Before, indeed, it was proposed to dispose of it to government, a proposition was made to sell it for the purposes of a wharf, but according to the opinion of Mr. Copland, such a disposition of it could not be made. That proposition therefore was abandoned. But with regard to the manner in which the ground was now to be disposed of he was enabled to say, that no person whatever connected with the Hospital objected to the place in which it was proposed to build colonel Gordon's house; no one pretending to say that this ground was necessary to be appropriated in any manner to the accommodation of the Hospital; that the free circulation of air to the Infirmary, or the proper ornament of the Hospital, was likely to be interfered with by the proposed structure. The propriety, indeed, of guarding against any such interference, had, in consequence of some intimation from another quarter, occupied the consideration of the Treasury before the hon. baronet had made his motion upon the subject. It was in consequence of that intimation, and his having viewed the premisses on Saturday, that he had thought it necessary to have the references made, the reports upon which he now proposed to have laid before the house.

Sir *O. Moseley* wished to know why these premisses were not applied altogether to the accommodation of Chelsea Hospital, and to the Infirmary in particular; and also, why the gentlemen of that house, who were to judge of the propriety of their application, were prevented from seeing them?

The *Chancellor of the Exchequer* observed, that the premisses had been purchased in order that what was necessary might be appropriated to the use of the Hospital. The hon. baronet, when he stated, that the order for excluding persons from the ground proceeded from the Commander in Chief, appeared to him to proceed upon supposition, having heard the order disclaimed on the part of the Treasury and the Pay Office. If he could venture, without having any information upon the subject, to make a conjecture, the order had been given by the person having a right to the possession of the ground. If any order had been given to exclude members of parliament, it would have been both improper and foolish. But when it was considered how pointedly public attention had been lately drawn to this piece of land, within a mile and a half of this metropolis, it would be obvious how desirable it must be to keep out the great number of persons who might wish to visit the place. He did not think it expedient that a case of this description should day after day continue to occupy the attention of the house, when the most that could be said in the worst view that could be taken of the case was, that there might have been some irregularity in the inferior agent employed in the progress of the transaction.

General *Tarleton* observed, that this was only the second time this subject had been under discussion. The effect of the first discussion had been that the scite of the house had been changed; and the advantage that would result from the second would be, that the bar placed against the admission of members, by some invisible hand, would now be removed. He had heard from the nearest relation of the noble lord, that he wished to get a renewal of his lease, but that ministers refused, and stated, that they wanted the

whole for the use of Chelsea Hospital; and a pretty application they had made of the land, in appropriating one quarter of an acre to the hospital, and giving the whole of the remainder to an officer not at all connected with it. As our military establishment could not be expected to be diminished, the means of extending the hospital should be kept undiminished: The hon. baronet, who had brought forward this subject, therefore had done well for the public interest.

Mr. *Ponsonby* justified his hon. friend (Sir Oswald Moseley) in having stated the report, which he had heard, that the order of exclusion had been given by the Commander in Chief, which he had done only to give the right hon. gentlemen opposite an opportunity of contradicting the rumour if they could. He had risen, however, to ask whether the grant of colonel Gordon had been perfected, so as that by law it could not be avoided; because if so, colonel Gordon having the right to the land, might still erect his house in the very situation, which, it was allowed on all hands, would be inconvenient for the hospital. [It was here stated across the table, that the agreement and grant were conditional that no house should be erected in a situation inconvenient to the hospital.] Well, then, the attempt to erect a building in such a situation was a violation of the condition, and no inquiry had taken place respecting it, until the subject had been brought under the consideration of the house by the hon. baronet, not then in his place. The secretary to the treasury, too, had stated on a former night, that the whole of the ground was such, that a house could not be built upon any part of it, except the spot which had been chosen for the intended house; and yet it now appeared that another situation fit for building upon could be found upon the land.

Mr. *Huskisson* had only stated, that a great part of the ground could not be built upon; he had not, nor could he have said, that it was such that the proposed building might not be removed a little to the right or to the left of the situation first marked out.

Mr. *Calcraft* felt himself bound in justice to his hon. friend to state that he went on Tuesday to inspect the ground, and had been refused admittance, and, as he was informed, by order of col. Gordon. He rang the bell, when a boy came out and informed him, that he had positive orders from col. Gordon, not to admit any person. He then went on to the hospital, in order to get a written order for admission, from some of his friends there. He was not fortunate enough to meet with any of them, but left a note for one, requesting of him to send an order. The answer he received was, that it was not in his power; but, that upon application to sir David Dundas, he might get an order. It was now said, that in the opinion of the physician and surgeon of the hospital, the former situation was not a proper one; but this was the first time the house had heard of that fact. The right hon. gent. (Mr. Long) had said, that on the day of the debate upon the subject in that house, a complaint had been made to the Chelsea board against the projected situation of the building; but the right hon. gent. must remember that a notice had been given of the motion, [It was on that day, observed Mr. Long, that the complaint was made.] and a notice given in that house the day before the discussion took place, might easily travel to Chelsea, and give rise to the complaint. [It was on the day of the notice, again said Mr. Long, with some earnestness, across the table, that the complaint was made, as will appear from the minutes of the board.] There certainly could be no ground for the warmth shewn by the right hon. gent.; his own object having been calmly to state his view of the case.

Mr. *C. Wynn* did not doubt the statement made by the right hon. gent.; but he was surprised, if that had been the case, that the circumstance had never been mentioned until this day. If he remembered what passed on the former occasion, not a word of this had been stated, and he even was persuaded that it had been said that the physician and surgeon of the hospital approved of the scite of the house.

Mr. *Long* contended that he had stated the circumstance, and added that it was the scite of the Infirmary that was said to have been approved of by the physician and surgeon of the hospital.

Mr. *Barham* thought, that as many members had been prevented from inspecting this ground, it would be desirable that the house should, on some future day, be made acquainted with the person who had given the order for exclusion: it required explanation, why, when a suspicion had been excited respecting the grant of this land, members had been refused the power of

inspecting it; and he trusted that the right hon. gent. (Mr. Long) would enquire into the matter, and communicate it to the house on some future day.

The Papers were then ordered, and Mr. Huskisson presented them from the bar.

[General Clavering.] Sir *T. Turton*, in rising to make the motion of which he had given notice, was aware of the difficulty in which he was placed by the late proceeding in that house respecting gen. Clavering. If he were not convinced of the importance of the question not only to the justice of that house, but to the liberty of the subject, he should be the last man to appeal to the magnanimity of parliament, or claim its indulgence for a proposition for altering a former decision. In doing this, however, he was solely actuated by a regard to justice, and for the character of that house, as he was wholly unacquainted with the connections of the officer to whose case he was to refer. The hon. baronet then proceeded to state, that if he had been present at the discussion, he should have employed his humble efforts, though he durst not flatter himself he should have been successful, to dissuade the house from the decision it had come to. He then contended that prevarication could not apply to the evidence given by that officer, and was proceeding to an examination of the evidence in the printed minutes, in order to establish that point, when

Mr. *Whitbread* called the hon. baronet to order, as he understood his object to be to induce the house to reverse a solemn decision it had come to in this session, which was contrary to the usage of parliament,

The *Speaker* decided, that if the motion of the hon. baronet was to call upon the house to rejudge what it had already adjudged this session, it was inconsistent with the practice of the house to entertain it. It would be for the hon. baronet to state whether such was his object.

Sir *T. Turton*, after several ineffectual attempts to establish the regularity of the course he proposed, and upon being distinctly informed from the chair that it was highly irregular, was at length induced to wave his motion altogether.

[Sale of Offices Prevention Bill.] On the motion for the second reading of this Bill,

Lord *Folkestone* said, the present bill professed to check abuses in the Sale of Offices in every department of the country. He felt it difficult to follow the bill in its different parts, referring, as it did, to the act of Edward the sixth on the same subject. He was satisfied that the object of the right hon. the Chancellor of the Exchequer had been to make the bill as comprehensive as possible, for which he gave him full credit. He was, however, of opinion, that little good would attend the bill, as indeed, little good in general attended Bills of Prevention. The house knew well what bills had been passed to prevent bribery and corruption in the elections of members of parliament, yet that the evils sought to be provided against still existed, because the only effect of these acts was to render the persons concerned more circumspect, and the practices more difficult of detection. If the Inquiry, for which he had moved the other night, had been allowed, it would have been in the power of the house to see whether the bill proposed would be likely to do any good. That Inquiry, however, had been refused, and he was therefore bound to say, that however an act like the present might increase the difficulty of continuing the practices sought to be checked, the evils themselves would still exist. He did not quarrel with the right hon. gent., however, on this account. He had no doubt the right hon. gent. had done what he thought best; but he would ask, why any exceptions had been made? Why had offices in the Courts of Law been exempted, they being the most objectionable of any? Was it fitting that offices connected with the administration of justice should be made the subject of sale? It surely was not so, and the present was a fit opportunity of eradicating the practice. There was, however, another exception in the present bill more important than that to which he had just alluded; more important, on this account, because the attention of the house and of the country had been more particularly called to it in consequence of the Report of the East India Patronage Committee, that Seats in Parliament were trafficked for. When he considered that this practice had been of such long standing, he thought it impossible that the house should not take some notice of it. He threw it out, therefore, for consideration, if it would not be proper that a provision to prevent this disgraceful practice in future should not be introduced? Or if it would not be the better plan to institute an inquiry in the first instance, and then to pass such a provision? He was satisfied the right hon. gent. would not object to

the introduction of such a provision. The Treasury was said to have a great trade in this traffic. The Secretaries of the Treasury were understood to be the great persons concerned in carrying it on. If the right hon. the Chancellor of the Exchequer, or his friends, chose to deny the charge, he should be glad to propose the appointment of a Committee to inquire into it. He was not, nor ever had been, connected with any traffic of the kind. He could not therefore say that it consisted with his own knowledge that the charge was true; but this he could say, that he understood and believed that it was. (Hear, hear! from the Ministerial bench, particularly from Mr. Rose). He was happy to hear himself cheered by the right hon. gent. What he stated was matter of public notoriety; and it was even understood that previous to every election an Office was opened in the Treasury, for the purchase of seats in parliament, which again were sold to others, of more or less interest and ability, who again in proportion to their possession of those qualities, paid a higher or lower price for their seats. There had even lately been a vacancy in that house, *because the person holding the seat had not been willing to comply with the stipulation on which he received it.* His lordship believed the right hon. gent. would not deny what he had stated. If he did, his lordship was anxious for a Committee to inquire into the fact. He should not propose the appointment of one at present, but only threw out the observation, that the attention of the right hon. gent. should be directed to it. According to what should fall from him, he should regulate his conduct. He could not, however, forbear from expressing his surprize, when the right hon. gent. assisted by the Attorney and Solicitor General, saw occasion to bring forward a Bill of this kind, that they should have kept out of view that offence which was more important than any other species of trafficing whatever.

Mr. *Bankes* said, the East India Patronage Committee had not expressed any opinion, that sales of offices in the service of that Company should be exempted from the operation of the present Bill, but only that there was no necessity for any separate and specific legislative measure applicable to that Company. They had done so the more particularly on this account, because the East India Company were already armed with greater powers than those which the country possessed; the former being permanent, while the latter was subject to change, and dismissal from office always following the commission of the offence in the one, while it was by no means so necessary a consequence in the other. He did not know whether the noble lord objected to this bill or opposed it. For his own part, he did not see how any man could expect from a legislative measure, that it should operate to the extinction of crime. If it rendered it more difficult, he conceived it did all that could be expected from it. He was desirous to entertain the Bill, and if any thing could be added to it in the committee, so much the better. The great object was to make the hazard and risk greater than the temptation. He believed it would be a long time before any abuses were again heard of in the patronage of the East India Company; and if the instance of the dismissal from the Stamp Office was acted up to, the evil would be greatly done away.

Mr. *Creevey* said, that the noble lord was perfectly correct in stating, that Seats in Parliament had been *notoriously bought and sold by the Treasury.* He would say, that this was not only his belief, but that it was within his knowledge. The Treasury not only openly bought and sold those seats, but they kept, in a great degree, the monopoly of that market. If this was attempted to be denied by ministers, he should be glad to have the opportunity of proving it, and he could easily prove it from the lips of any one who had ever been Secretary of the Treasury. It was absolute nonsense and delusion on the public, for the house to spend their time in considering abuses in the Commissioners of the Lottery, and every other minor department, when they knew, and when the public knew, that the greatest of all abuses was constantly practised by every Secretary of the Treasury, in buying and selling Seats in Parliament. To talk of a dissolution of parliament as an "appeal to the people" was mere mockery and imposition. It was perfectly well known that a dissolution of parliament was not an appeal to the people, but to the Treasury (Hear! hear!). Although he had great respect for the last government, and owed some personal favours to them, yet he must say, that their dissolution of parliament, at the end of four years, like the dissolution by the present ministers, at the end of about four months, was not an appeal to the people but to the Treasury (loud cries of Hear! hear!). Until the

house was disposed to suppress this odious and unconstitutional traffic, the legislating on those minor abuses was mere mockery and delusion.

The *Chancellor of the Exchequer* said he could not help congratulating himself a little on the declaration of the noble lord (Folkestone), that he was satisfied that any obscurity which was to be found in the bill proceeded from a wish on his part to make the act comprehensive. If there was any obscurity, he hoped it would be removed, and this might in some measure be effected by introducing and incorporating into the present Bill the Enactments of the act of Edward the 6th, rather than by referring to that act. The objection that the Bill only went to increase the difficulty in committing the crime sought to be prevented, he suspected, would apply to every bill. He had even attempted to do away the temptation to commit the crime, by annexing forfeiture of office to the detection of it. As to the omission of offices in our courts of law, he suspected the noble lord had not calculated the disadvantages which would arise to counterbalance any good arising from their being comprehended under the present bill. Never was the administration of justice more pure in this or any other country than at the present moment. However much we might be surprised, therefore, that the sale of offices in our courts of law should ever have formed any part of the emoluments of our judges, yet having done so for ages, and it following as a necessary consequence, if the sale of these offices were now to be abolished, that some remuneration must be granted instead of them, the question was, if the inconveniences arising from a fresh call on the country on this account, and other disadvantages with which the alteration would be attended, would not greatly outweigh the advantages to be expected from it? There were also a certain description of patent offices granted for life, with the privilege of disposing of other offices connected therewith. These he had also omitted out of the bill, as for them too, if the sale was to be prevented, an equivalent must also be given. He did not believe the advantages to be derived from introducing these into the bill would at all equal the disadvantages attending it.—There was only one other point in the noble lord's speech to which he felt it necessary for him to advert, namely, that no provision had been introduced into the bill to prevent the trafficing for Seats in that house. This question, he presumed to think, would come more properly to be considered in another stage of the bill, and if the noble lord would bring forward his proposition in that stage, he (Mr. Perceval) would consider if the provision was capable of being applied effectually to prevent the abuse of which the noble lord complained. The hon. gent. who spoke last had borne testimony, not only to his belief, but also to his knowledge, of the abuses alluded to by the noble lord, declaring that the practice of these abuses was common to all administrations. As that hon. gent. had particularly referred to an administration with which he himself was connected, it was natural to suppose that he had special knowledge and information on this head, particularly so far as that administration was concerned. He (Mr. Perceval) however, did not recollect that the hon. gent., when a particular charge was brought forward on this subject against that administration, had told the house all that he had the means and knowledge of observing on this subject, because, if he had, that would have been something confirmatory of the charge, and would have tended to elucidate the truth or falsity of the statement of the then Secretary of the Treasury, that what he had done, and the influence he had exerted, had been used by him, not in his official situation of Secretary to the Treasury, but in his private character of a freeholder of Hampshire. If the hon. gent. was then in possession of all this information, belief, and knowledge on the subject, why did he not appeal to the house then, as well as on any other occasion? Why did not his patriotism then actuate him, as it did on the present moment, to divulge every thing which he knew? To the general inquiry he should oppose himself as decidedly as he did on the former day. But let the hon. gent. only bring forward those circumstances to which he alluded, as consisting with his own knowledge; let him do so impartially, not forgetting the practices of the administration with which he himself was connected, and with which, of course, he must be most intimately acquainted, and the house would know how to deal with them. He again declared that he was ready to receive and to attend to all the suggestions of the noble lord, as well connected with trafficing for seats in that house, as for offices.

Mr. *Creevey*, in explanation, said, that

what he had stated was not as a charge against any particular administration, but a mere matter of fact. The knowledge which he spoke of by no means proceeded from any confidence which had been reposed in him by his friends.

Mr. *Whitbread* said, he was so well pleased with part of what had fallen from a right hon. gent. (Mr. Perceval,) that he should say the less on that part to which he objected. He was happy to observe, that the right hon. gent. agreed with the noble lord, that the practice of trafficing for money in seats in that house was a scandalous abuse; one which should not be allowed; and that the right hon. gent. would meet the inquiry and expose the practice wherever it should be seen to exist. He hoped, however, as the right hon. gent. called on others to expose the practices of other administrations, that he would not be backward in stating all that he knew of his own administration. It was impossible that the right hon. gent. could be ignorant of the abuses which existed. Every person knew that abuses did exist, and there were few who did not know, more or less, of the nature and quality of them. The public knew well, many members of the house knew well, that there were in that house persons who represented nothing but their own money; that there were some, who were not even then free agents, but that there was occasionally such a thing as conscience in the transaction, which sometimes forced them to abandon both their seat and their money too. Why, then, he asked, should the right hon. gent. use these tauntings, when the practice was well known, even to himself, to exist? The right hon. gent. talked of Hampshire. It was the right hon. gent.'s fortune on that occasion, which it had been during only a very small period of his life, to be in a minority. He seemed on that occasion to be impressed with a belief, which he (Mr. W.) had felt a great deal more frequently, that minorities were not always in the wrong. But to reconcile himself to this one misfortune, he could only recommend to the right hon. gent. to look to all the rest of his political life, and from thence he would be convinced that majorities were not always in the right. There, too, (in the case of Hampshire) he would find that the Secretary of the Treasury was a freeholder of the county. But that in general Secretaries of the Treasury for the time being were not only in the habit, but even reduced to the necessity of carrying on such a traffic as that described, and that a public market was opened for it. If smaller evils required being corrected, why should not this flagrant and shameful abuse be guarded against? Why not strike at the roots of the evil, and cut up a traffic of magnitude? If the rt. hon. gent. really entertained any doubt on the subject of the purchase and sale of Seats in parliament, let him turn to his near neighbour (lord Castlereagh) and learn what they had done in Ireland, where one million and a half of money had been taken out of the pockets of the people, to pay for the purchase of boroughs.—It was impossible, he conceived, for the right hon. gent., to consider these circumstances without feeling that, in one way or other, an end must be put to this system, or it would put an end to them. An hon. gent. (Mr. Bankes) talked of the benefits likely to result from the removal which had taken place from the Stamp Office of an inferior person there, detected in improper practices. He hoped that persons of every description would be obliged to relinquish them, and that superior officers, if detected, would not be spared. He agreed that the administration of justice in this country was as pure as it could be, and that the practice of the sale of offices in courts of law had no effect on the administration of justice; but still he did not think it proper, that even the very idea of the sale of any thing connected with justice should be allowed to exist. Whatever expence might thence arise he was of opinion might be made up by throwing the fees of these different offices together. At all events he thought the practice of selling such offices should be abolished, that no ground of objection on this head might remain even to the most captious caviller. He could not help differing from his hon. friend (Mr. Creevey) as to a general election being at all times an appeal to the Treasury. He believed the Treasury did possess a most preponderating influence; but at the same time he knew that the people had a voice which would be used. The infringement therefore on the elective right of the people was not so great if they were not first driven mad and then appealed to; if they were not first driven into a state of phrenzy and then desired to make use of their senses. Parliaments were not so difficult to be won that dissolutions were at all times necessary. The last parliament but one had furnished majorities to three

different ministers, and each found itself strong enough to carry every question it required. He felt infinitely obliged to the noble lord (Folkestone) and to the right hon. gent. (Mr. Perceval) for the hopes which from their joint efforts were now held out to the country. With the expectation he entertained on the subject, he felt inclined to hail the present Bill as one of the happiest restoratives of the country and constitution. He hoped the right hon. gent. would not, in the course of the bill, draw back from those expectations which he had this night held out.

Mr. *C. Wynn* said, that though this was not the time to argue the clauses of the bill, yet he could not but observe that the provision against the sale of Offices in the law departments should not be included in the present bill, as the adjustment of the remuneration, which undoubtedly must be made on the abolition, was a subject of great importance, and fitting for a substantive measure in itself, whereas introducing it now, would, in his opinion, rather tend to check the progress of a measure they had all so much at heart. With respect to the clause in the bill, dismissing from their situations, such as obtained them through the medium of corrupt practices, however innocent of the existence of the means, he could by no means approve of it, as a principle equally contrary to justice and humanity.

Mr. *Bankes* explained, that such a measure did not come recommended from the Committee upon East India Affairs, but was a positive rule laid down in their regulations.

Mr. *H. Thornton* agreed in the propriety of including the purchaser of seats in that house among the offences of the bill, as it would be unfair to inflict a punishment upon minor offences, and at the same time to pass over those of greater turpitude and mischief. The nature and extent of the remedy itself would be best considered when the clause for that purpose was brought in.

The Bill was then read a second time.

HOUSE OF LORDS.

Friday, April 21.

[Campaign in Spain and Portugal.]

The order of the day being read,

Earl *Grey* rose and addressed their lordships as follows:—My Lords; In undertaking to bring under the consideration of your lordships, the various military operations of the last summer in Portugal and Spain, I feel, that I have taken upon me a task, to which I am afraid my abilities will prove inadequate. To detail, my lords, the history of those transactions, the true character and bearings of which are to be sought for and explored in a large series of official documents, so voluminous and perplexed, that they seem rather to confound than to assist inquiry; to produce these before your lordships in such a manner as to enable you to pronounce that judgment, which the importance of the case requires, and the country expects, would be for me, I fear, almost impossible. I feel, therefore, the necessity, at the outset of what I am about to state, to solicit a more than usual portion of your lordship's patience and indulgence, while I endeavour to execute a task that I should rather have seen committed to abler hands. But, as no other peer has expressed an intention of standing forward, I feel that I owe it to my country, in this most perilous crisis of her fate, not to suffer the consideration of such a subject to be any longer deferred. It cannot be necessary to recal to the recollection of the house the universal sentiment that prevailed on the first news of the people of Spain to an usurpation which, whether on account of the violence and injustice of the act itself, or the fraud and perfidy with which it was accompanied, it is impossible adequately to describe. The sensation was universal; one universal spirit broke forth, without distinction of rank or party; and, what was far more calculated to insure the advantage of our assistance, was, that all the generous sympathies of the nation, that love of liberty, hatred of oppression, a sense of the blessings we enjoyed, and a forecast of the struggles we might have to preserve them, all conspired to excite in the breasts of Englishmen, those feelings, which I trust we never shall want when the contest is between justice, freedom, and public independence on the one side, and the highest degree of atrocity and oppression on the other. Accordingly, the feelings of the country in favour of Spain, were universal, and the voice of opposition ceased. A liberal indulgence was given to ministers of what they pleased to demand. All was given that they asked for, under that responsibility which attached to them for the truth of the statement they held forth to the public, and for the solidity of the grounds on which they acted. Under that responsi-

bility every thing was granted for the support of that righteous cause in which the country had so enthusiastically embarked. The day is now come when we are bound to ask, in justice to ourselves and the country, what fruits have been derived from those advantages with which ministers set out in the cause of Spain. It is now to be shewn that what was granted liberally has been employed wisely and with a vigour proportionate to the magnitude of the trust. We have a right to expect from ministers this; first, to shew us that they had sufficient and satisfactory information to justify them in the hopes they held out to us, to aid the resistance of the Spanish nation; secondly, that, having that information, and being able to shew the grounds on which they acted were solid, their measures were proportioned to the end, and that they acted with energy, firmness, promptitude, and caution — that they have been looking to the affairs of Spain with the eyes of statesmen — that their means were well proportioned to the attainment of the object—and that they acted with that happy union of energy and caution, so indispensibly necessary to ensure success. I was not one of those, who, however inviting the prospect held out to us in the month of May, last year, with respect to Spain, thought that the situation of his majesty's ministers was not surrounded with difficulties—I could not say, at that time, as had been said upon another occasion in another place, that his majesty's ministers were placed upon a bed of roses. I think their situation was a situation of great difficulty and danger; requiring the utmost vigour, caution, and wisdom in preparing the means by which this country was to afford its effectual assistance to Spain. I hope I shall not be charged with having a disposition to undervalue the resources of the country. Even after all our losses—after the losses of the last campaign, great as they were in blood and treasure, in character, and honour—Even after those losses, I am persuaded, and I use no vain boast when I say it, that, under an administration of prudence and wisdom, the country is possessed of ample means to bring the contest in which it is engaged to an honourable termination. I trust I shall not be thought to talk the language of despondency, when I say, that, in order to maintain the ultimate contest which is to decide for ever the power and independence of the country, the true policy of those who govern it must be to pay a strict attention to œconomy, to be actuated by a determination to concentrate your means, not to endanger them in any enterprize or speculation in which the event is doubtful, but pursuing the economical system of husbanding your resources, by which alone you will enable yourselves to continue the contest, the cessation of which does not depend on you, but upon the injustice of your enemy. I remember this policy, so well expressed in this sentiment of a celebrated poet,

"Durate et vosmet rebus servate secundis."

was much derided on a former occasion; but, notwithstanding the ridicule which was thrown on it, I think the country will one day know how to appreciate that system which was steadily pursued and acted upon by the last administration. I am not prepared to say that that policy should be extended, so far as to prevent our availing ourselves of a good opportunity of applying our resources upon occasions which hold out a reasonable prospect of success. On the contrary, I think that the advantage of that system of policy is, that while it enables you to maintain a protracted contest, it also enables you to fight with effect the last battle which is to decide the fate of the country. It is the concentration of your means, and the improvement of your resources, by which alone you can have every thing ready to avail yourselves of such an opportunity. I will not conceal from your lordships that I am one of those who thought such an opportunity was given to this country by the events which took place in Spain last year. I certainly, without having too favourable an opinion of ministers, did give them credit for their exertions in a situation in which it behoved them to guard against popular delusion, as well as not to excite popular enthusiasm. In such a situation I gave them credit for this; that they would not of themselves willingly do any thing to excite those passions which were necessary to be restrained, and, least of all, to hold out hopes which were not justified by facts.—And this leads me to the consideration of the first point on which his majesty's ministers are bound this day to give an account; Whether they took means to obtain information with regard to Spain, and whether the information they rereceived was such as justified the hopes they held out to the public? We cannot forget the magnificent accounts which

were circulated at the time, of the resources of Spain; of the enthusiasm and spirit of the people; of the vast armies they had collected, and with which it was expected they would drive the French beyond the Pyrenees. I remember that it was asserted that every thing but official documents justified the statement of the amount of the Spanish armies as consisting of upwards of four hundred thousand men, exclusive of a body of reserve, consisting of a million; and both these exclusive of the volunteers. We heard then of nothing but the spirit and enthusiasm of the Spaniards. I have looked for proof of this in vain to the documents presented by his majesty's ministers; I find nothing of the kind. I find, on the contrary, in the letters of every officer, of the greatest character, and whose credit stands highest with this house, statements of a very different description. I find lord William Bentinck, soon after his arrival at Madrid, sending accounts of the state of the army highly unfavourable; that the greatest danger was to be apprehended from their inability to contend with the French, that their armies were in a state of total disorganization, that he found it impossible to prevail on the Supreme Junta to confer the sole command on some one distinguished officer, and that they were not prepared for the reverses they had met with.—After the defeat of general Blake, I find the accounts received were still more unfavourable. If I look to the letters of general Broderick, I find them no less discouraging with respect to the people of Spain. In the letters of September 10, and November 5, you have accounts of the French army, and of the Spanish army opposed to them, which were calculated to encourage his majesty's ministers in any thing rather than in sanguine hopes of success. In some of the letters there are accounts of the total want of confidence in those who ought to have set the first example of heroism and devotion to their country. By the letters of general Baird and general Moore, we find that spirit which was so supposed to be universal, and which to be successful must be persevering, had wholly subsided. Sir John Moore states, that he had heard of enthusiasm, but he had met with it no where—that the first reverses checked it, and that he had not been able to collect any grounds to justify the sanguine hopes which had been formed.—I have found it my duty on some former occasions, to state my feelings of the disadvantage arising from the want of a political correspondent as well as a military one, and I have heard no satisfactory reason for withholding that information I required. If the enthusiasm of the people of Spain, excited by their hatred towards the French, was what it has been described, nothing could be so necessary as that the government established there should give a direction to that spirit. Surely, it was of importance that political agents should have been sent to that country, to co-operate with its government; but it has been remarked by my noble friend,(lord Auckland) that there seems to have been a disunion in the government upon this occasion, and while we have ample documents laid before us by the Secretary of State, the political correspondence of the Secretary for Foreign Affairs has been withheld, except some documents which it was impossible to withhold. We have Mr. Frere's letter of Nov. 30, in which he tells sir John Moore, that the parts of Spain through which the latter had passed were the least military, and represents the population of the plains of Leon and the two Castiles as neither capable nor disposed to resist the enemy.—I have called your lordship's attention to this letter, because it shews by the admission of Mr. Frere that there was a deficiency in those means which were necessary to enable the people of Spain to defend themselves against the attacks of the armies of France. But I fear this passage in Mr. Frere's letter is applicable to a much larger description of country, than gen. Moore could have passed. Gen. Moore could have seen nothing of Spain but what was to be seen on his march from Portugal to Salamanca. But Mr. Frere describes a much larger portion of country, and I suspect that there is an omission in this letter, in order that it may appear as if Mr. Frere was writing as to the small district between Leon and Salamanca, and not as to the whole Leonese. If Mr. Frere should have expressed himself with regard to such an extensive portion of country, stating, that throughout the whole of it there was a want of energy and exertion, then I ask what credit can be given to his majesty's ministers, for deliberately holding out to the people of England, such sanguine hopes of the ultimate success of the exertion of the people of Spain? I know not upon what authority his majesty's ministers could have considered themselves as justified in the statements they made at the time; conscious as they must

have been of the contents of the official documents which we have before us. But their information was not confined to the statements of British officers and agents; all the information they received was of the same description. I would refer your lordships to the proclamations of the Governments of the two Castiles and Leon, and the proclamations of general Romana after the defeat of general Blake, complaining of the want of every thing necessary to enable him to resist the enemy. I would refer you also to the statement of general Castanos, who gives the same accounts after the defeat of Tudela, and states the frequency of desertion in his army. How strongly is this confirmed?—We find that the whole united force of the principal armies of Spain, the army of general Blake, the army in Estremadura, and the army of Arragon, instead of amounting to 400,000 men, was not equal to the army with which the French began their attack in August: and I have authority for stating that the army of general Blake never exceeded 30,000; that the army in Estremadura was not more than 12,000; that the army of Castanos, which was said to amount to 80,000, never exceeded 26,000; ill cloathed, and ill provided with every necessary to enable them to keep the field; that his army, including the army of Arragon, did not exceed forty thousand, and was composed of men of all descriptions, deficient of supplies, arms, and accoutrements, and labouring under all the disadvantages of new-raised levies.—When we have these things before us, are we not called on to exact a severe account from ministers, and to oblige them to shew that they had some better means by which they could expect to oppose a successful resistance to the ambitious views of France, than any of those of which we have hitherto heard? I know I shall be told that it was by these new levies general Dupont was defeated, that Saragossa was defended, that the French were repulsed from Gallicia, and Joseph Buonaparté driven from Madrid. That an ebullition of enthusiasm and spontaneous resistance on the part of the people of Spain, broke out at once, is not to be disputed; but, it was stated in a letter from the Secretary for the War Department, that it was not a sudden ebullition of rage that was to be looked to, upon the continuance of which we could not depend with certainty, but that it was a persevering spirited feeling of patriotism, which, as stated in this letter from lord Castlereagh, was not to be intimidated by threats or seduced by compromise; a spirit which was calculated to carry the people through a long and difficult contest. Certainly, it was the existence of such a spirit alone that could warrant his majesty's ministers in risking in Spain, so large a proportion of the disposable forces of this country.—But let it be considered, what was the situation of affairs at the beginning of the contest. Early in July, you have gen. Dupont defeated; towards the latter end of July, Joseph Buonaparté retired, and it was not till November following, that the French armies received any reinforcements. At the time the French were concentrated behind the Ebro, their force did not amount to more than 45,000 men. If we have these facts as existing at the first insurrection, we have also the proof, that the whole of the period during which the French force was there, there was a fatal inaction on the part of his majesty's ministers, as well as of those who had the conduct of the affairs of Spain, which suffered the French to remain there unmolested until they had received the reinforcements they expected. Now this must have arisen from one of two causes; either that there was not that persevering spirit in existence in Spain, or that these being the elements of that spirit, there was not a government capable of giving a proper direction to it; and, whichever of these two views you take, in neither case is the conduct of his majesty's ministers exempt from blame. Either they had information or they had not. If they had not, they stand charged with culpable negligence; and if they had information, and held out hopes which that information did not justify, they stand, in a much higher degree, responsible to the public for their conduct. I have already said, it was not a sudden ebullition that should have led us to depart from those principles of œconomy I have so often recommended. His majesty's ministers should have been satisfied, not only of the existence of a proper spirit in the people, but that there was a government in that country which had acquired sufficient authority to give it the necessary energy. If neither of these things existed, or if the one existed without the other, it was the very acme of madness in his majesty's ministers, under such circumstances, to lavish as they have done the resources of this country. If there was a spirit in the

people, though acting under the disadvantage of not having a proper spirit in the government, I do not say that assistance should have been wholly withheld; but we certainly should not have sent an army where we had not the necessary means to afford supplies to that army, or effectual assistance to those it was intended to protect: we ought rather to have given our assistance by money, and by the well-applied exertions of our naval force on the coast of Spain. Unless both these circumstances were united; unless, according to the best information, there were good grounds for believing there was a persevering spirit in the Spanish nation, and a spirit in the government to give it a proper direction, the government of this country should not have hazarded a British army there.—Now let us consider what his majesty's ministers have done. It may be said, that, though there was not in the first instance a Central government to direct the energies of the people of Spain; yet, every body must be convinced of the necessity of giving effect by our means to their exertions. It may be said there were proofs of the existence of a considerable spirit of enthusiasm, and with those proofs it may be asked, would you wait till that spirit had subsided, without taking any measures for its support? I say I would not; I would have made preparations; but before I allowed myself to send an English army into Spain, I would have seen that there were reasonable grounds of success.—Then, let us consider under these circumstances, what we have done. Supposing the spirit of the people to have been as we wished it; and I confess I was among the most sanguine upon that head; let us consider what measures have been taken with a view to bring the powers of this country to give the most effectual aid to the cause of Spain.—In considering this subject, I shall first state the different modes of action, and then it will not be necessary to do any thing more than state my objections to the plan upon which his majesty's ministers resolved to act. I state that there were four different ways by which this country might have assisted Spain. We might have assisted Spain by sending an army to the north into Asturias and Biscay; to Catalonia in the east; by the attack of the French army in Portugal, or by assembling an army on the frontiers of that kingdom, with a view to operations in the south of Spain. As to assembling an army in the north, it has been stated by one minister, that it was a most chimerical project, but that was not always his sentiment; for in one of his documents, we find Gijon and St. Andero pointed out as the best places to act in. Undoubtedly, with respect to the co-operation of an army as applicable to that point, much depended on the time. Unless it acted in the month of August, it could not act at all; the difficulties with respect to supplying the army with provisions would have been very great, in consequence of its having been found necessary to supply general Blake's army. When I look to the difficulty of finding provisions, the disadvantages of the debarkation and the insecurity of a retreat, I am not inclined to say that that would have been an advisable point. As to Catalonia in the east I should say, that the time which would elapse before you could assemble an army there, would be an objection to that point. The remaining quarters to which an army might have been directed, are Portugal and the south of Spain, the preference to the one over the other depending upon the time; that which is of the greatest value in all military operations. If you could have been ready in August or September, it might have been advantageous to have collected an army in the south of Spain. But, sure I am, if you could have sent an army before the end of September, there could be no question (for reasons which I will not enter at large into,) that the preference ought to have been given to the south, and that the disembarkation should have been at Cadiz instead of Corunna.—With respect to the advantage of the last mode of employing a British army, I am inclined to agree with his majesty's ministers that it was striking an important blow by the destruction of the French force in Portugal, and by its effects in giving encouragement to the people in Portugal, and enabling you to avail yourselves of the whole population of that country in addition to that of Spain. I have therefore no difficulty in stating, that to commence an attack on the army in Portugal, provided that attack had been properly conducted as a part of a general plan, and not as a separate movement, which ended, as all such measures must end, that would unquestionably have been the best mode.—Let us consider how his majesty's ministers found themselves called upon to act. I have said, that of the four plans they might have chosen any one; but then it was absolutely necessary that they should have had

some plan. Buonaparté, in one of his publications, states, that success in military operations depends on having a regular plan. Whether the plan they might adopt would have been the best one, is quite another question; yet, whatever they did, considering the interests of Spain, and the character of the enemy against whom they were to act, a regular plan was necessary before a single movement was made.—I have stated that the true policy of the country was to husband its resources, and concentrate its means, for a favourable opportunity. Now, let us see in what situation his majesty's ministers found themselves at the commencement of the transactions in Spain. One expedition had been sent to Sweden, under that gallant and ever-to-be-lamented officer sir John Moore, with 11,000 men. If it was not for pressing circumstances, I would stop to speak of that expedition, in which 11,000 men were sent to assist the king of Sweden, attacked from Norway, by Russia, by France, and by Denmark. To support this monarch 11,000 men were sent, without any knowledge of any point on which they were to act, or without any thing having been previously concerted on the subject. Hence arose those extraordinary circumstances which have never yet been fully explained; the return of the expedition without having effected or attempted any one object, in consequence of the manner of sending it out, whilst in these extraordinary times we had the extraordinary spectacle of the commander of a force sent out to assist an ally, compelled to escape from the capital of that ally in disguise. It is impossible to advert to what has happened to Sweden, without referring to a great deal of what has passed in this case. We have had under our consideration the unfortunate success of that expedition, in which the Danish navy was destroyed. It was said that the safety of Sweden was the object of that expedition. We now pay the penalty of that expedition by the state of ruin to which the king of Sweden by our means has been reduced. His majesty's ministers think they did their duty by sending 11,000 men under an officer who does not know the object for which he is sent. When it arrived there, it seemed to be unexpected; the king of Sweden is disappointed as to its employment, and we have the unfortunate circumstance of a British officer being forced to escape in disguise. Sir John Moore had been sent to Sweden with 11,000 men, from whence he returned in the manner I described.—Another expedition, consisting of 5,000 men, under general Spencer, was destined for Ceuta; which, having reconnoitred the place, found that nothing was to be done there: and a third under sir Arthur Wellesley, consisting of 9,000 men, as is now generally understood, was destined for South America. I am much afraid, that, even after the commencement of the ferment in Spain, ministers were looking out for some separate object for this country; and that they thought it a good opportunity for plunder and conquest in South America. So late as the 14th of June, when sir Arthur Wellesley set out to take the command of the expedition, I do believe it was with the intention of going to South America. The noble earl (Liverpool) shakes his head, and says "No;" but it is remarkable, that when the expedition sailed, it sailed with a great deficiency of horses. Now, it is well known that horses to draw the artillery and for the cavalry, would not have been necessary to be sent to South America, and were absolutely necessary to be sent to Portugal. But, ministers having had such a force at their disposal, the first thing to be considered was the plan of operations on which it was to be employed; they acted on the same system of thoughtlessness they had done before. With all these means in their hands, they embarked on a sea of difficulties without chart or compass. Instead of appointing one commander to direct the whole expedition, they send sir Arthur Wellesley under a roving commission, to act where and how he can. They send an order to general Spencer to co-operate with him; sir Arthur Wellesley being instructed to depend on general Spencer, and, at the same time, they gave general Spencer a discretion by which he was enabled either to co-operate with sir Arthur Wellesley, or to go through the Straits of Gibraltar, if he should think he could thus advantageously employ the force under his command.—I contend, that when there was a general resistance on the part of the people of Spain to the power of France, the first thing his majesty's ministers ought to have done should have been to have collected means adequate to the object, before they undertook to act at all.—I have said that the proper opportunity was afforded in Portugal: but I have also said that there should have been a preliminary plan. How did his majesty's ministers act? I think after the first accounts in May, an expedi-

tion was sent off for the purpose of taking advantage of the disturbances in Spain. Sir Arthur Wellesley left London after the 14th of June, with orders for Portugal, with a probability that something might occur to lead him to Spain. The noble lord opposite shakes his head again and says, No. I shall be glad to hear how sir Arthur Wellesley's expedition was fitted out. I know it was sent out under the greatest disadvantages, deficient in horses and cavalry, and those equipments, which are most wanted for such a service as that on which he was employed.—I have stated that there was an advantage arising from the expeditions which his majesty's ministers had planned not having been acted upon; but there were also some disadvantages. General Moore's force required time to recruit, and sir Arthur Wellesley's being intended for a different service was deficient in what was most required. When it was that ministers first undertook to employ the army in Spain, I cannot say, but it was subsequent to the 21st of June. Lord Castlereagh writes to sir A. Wellesley that the accounts from Cadiz were bad; but it appears that he had an expedition in view, for on that day col. Brown is ordered to collect information with respect to the state of the country in Portugal. On the 30th of June they send their final instructions, and there are two separate Instructions of the same date. In the first, he is directed to proceed to the coast of Spain, to collect information with regard to any point on which it may be possible to act; and by another letter, of the same date, a second positive instruction is sent desiring him to proceed off the Tagus. In the interval between the first and second letter, it appears, that intelligence came from sir Charles Cotton, representing the French force at 4,000 men: without waiting to hear from colonel Brown, but acting upon the intelligence of a naval officer certainly entitled to every attention, for his gallant services, though perhaps, not the fittest person to be relied on in this instance, his majesty's ministers changed their object, and directed sir Arthur Wellesley to proceed immediately, without loss of time, to the Tagus. He was hardly clear of the Channel before ministers received from general Spencer more accurate accounts. General Spencer stated the amount of the French force to be 20,000 men; then all was alarm and confusion, and ministers contemplated sending out an expedition upon a more extensive scale, and thought 25,000 men hardly sufficient. When the force was augmented by so large a number, it appeared to his majesty's ministers to be too large to be entrusted to the command of sir Arthur Wellesley. It is supposed, that considerable difficulties existed with respect to the appointment of a commander in chief of that army. First, it was said, that the command was to be given to an Illustrious Duke (the Duke of York); then it was confidently stated that a noble earl now in my eye, (the earl of Chatham) was to have the command. It seems most extraordinary, that the gallant officer who had so recently returned from Sweden, whose military talents were of the first order, and who had seen a variety of service, should never have been thought of; or that there should have been any hesitation in placing the command in hands so worthy to receive it, as those of sir John Moore. It appears, however, that it was not thought fit to appoint sir John Moore to that important trust, and the chief command was given to sir Hew Dalrymple. I do not mean to say, that this was an improper selection. I have the honour of a slight personal acquaintance with sir Hew Dalrymple; but from the little conversation I have had with him, I conceived him to possess ability, and to be well informed upon military subjects; and whilst at Gibraltar, he evinced, in the assistance he rendered to the Spaniards, both discretion and judgment. But, it has happened to him, as it has happened to many, that he has risen in the service without having been much employed. It does appear, however, as if ministers acted from some direct personal feeling towards sir John Moore, for it seems as if they were determined to prevent sir John Moore from having the command under any probable circumstances, by appointing sir Harry Burrard, his senior officer, second in command to sir Hew Dalrymple; and singularly enough, sir Harry Burrard was sent out, I believe, in the same vessel with sir John Moore.—(Here the noble Earl entered into a detailed view of all the circumstances, attending the different expeditions sent out to Portugal, their landing in that country, and until the battles of Roleia and Vimiera.)—I have already, continued his lordship, stated what justice obliged me to say with regard to sir Hew Dalrymple. I am not less willing to pay to sir Arthur Wellesley the tribute which his high services and talents deserve. I believe him,

from all I have heard of him, to be a deserving officer, of great merit and abilities; in short, such an officer, as, in these times of difficulty, the country may look to with the hope of the most advantageous services. But sir Arthur Wellesley was placed in a situation in which no officer ought to be placed. It was impossible that sir Arthur Wellesley should not have felt a considerable irritation at the command being taken away from him; and if he fell into an error on this occasion, it was an error, into which every man of ardent zeal and honourable ambition was likely to fall, when he saw an opportunity of acting with honour and advantage for his country against the enemy.—On the 17th of August he came into contest with an advanced corps of the French army, and then the Battle of Vimiera took place on the 21st. I do not wish to cast any blame upon him; but I think the situation in which he was placed did induce him to incur a hazard which he ought not to have done. He advanced with an army little more than superior to Junot's, and he hazarded this certain consequence, that, though his success could not be decisive, a defeat would have been fatal, as, had the fortune of the day been different, the whole of the expedition must have failed. On the 21st sir Harry Burrard landed. Sir Harry Burrard shewed his high mind on this occasion, when he declined to take the command, and gave to sir Arthur Wellesley all the merit. The Battle of Vimiera was gained with honour to the troops engaged in it. I have no doubt that with the impressions of success further advantages might have been obtained by an immediate pursuit, but I think the reasons given by sir H. Burrard, are very substantial and satisfactory. Whatever prejudice may have arisen to the country from that event, is to be ascribed to his majesty's ministers, in having so arranged their system of action, that an officer should take the command of an army in the midst of an action, and before he could have any opportunity of examining the scene. It was not to be expected, that an officer, with so heavy a responsibility, should have acted otherwise than he did.—By the next day sir Hew Dalrymple arrived, and thus there were three commanders succeeding each other, within the four and twenty hours.—Then followed that which has been the subject of so much debate; the Convention of Cintra. A subject upon which the public are unanimous in their opinion. His majesty's ministers have themselves stated that it has disappointed the hopes and expectations of the country. Its effects may be summed up by stating, that the French general obtained the transport of his army to France with his artillery, six rounds of ammunition, and 800 horses equipped and ready for action, and obtained those advantages which would have been well purchased with the loss of half his army. We may appreciate its advantage, by recollecting what happened at Corunna after the disastrous defeat of the French troops, in the battle which we are told was fought without hope of advantage. We find, that before our army could embark, it lost 7,000 men, all the horses, stores, ammunition, provisions, and baggage; and that that it was in such a state of complete disorganization, that at this moment it is not those 7,000 men only that are lost, but the whole army is lost to the service of the country, and must be so for months to come. If such has been the effect of the retreat from Corunna, what has not the enemy to boast of, for the retreat from Cintra?—The noble Earl, after stating many other circumstances connected with the Convention of Cintra, expressed his opinion that it was an act which, in every point of view, was unadvisable; but the principal blame he imputed to his majesty's ministers, for that extraordinary arrangement, by which they had appointed a succession of officers, equally ignorant of local circumstances, and equally jealous of each other; but, above all, he blamed them for not having instructed them with regard to their ulterior views.—I am, said his lordship, no friend to fettering the discretion of a general officer; to whom, after having formed a plan, and concerted his operations, I think as large a power as possible ought to be given; but surely it was not difficult to foresee, that with such a force as was employed against the French, and with the co-operation which might be expected from the courage of the Spanish armies, some terms were likely to be entered into with the enemy. His majesty's ministers ought, therefore, to have given such general views of their sentiments and wishes, as would have enabled the officer commanding the Expedition to have acted on those principles, which if they had acted upon, they would not have had to have said of the Convention that it had disappointed the hopes and expectations

of the country. Here, then, is a strong ground for the condemnation of his majesty's ministers, to whom, for this, as well as for every other part of the transaction, the chief blame is to be imputed.—The noble Earl argued at considerable length upon the general impolicy of the conduct of his majesty's ministers with respect to the people and government of Portugal. The result of that conduct had been, that instead of having an army on the frontiers of Portugal, protecting the interior, we had been obliged to retain a considerable portion of the army to keep in subjection the people for whose deliverance they were sent. Besides, the Portuguese force was actually less in November than in August last. These grounds, added his lordship, I think sufficient to call on the house to arraign the conduct of his majesty's ministers. What a contrast does the conduct of his majesty's ministers afford to that of the consummate general whose plans they had to oppose! Do you ever hear, said his lordship, of Buonaparté appointing marshal Ney to command an army, and, in the midst of an action, sending general Soult to supersede him, and then, in the midst of a battle, sending Massena or some other general to supersede him? No.—You have seen how differently he acts. You have seen how the moment affairs took an unfavourable turn, he kept his army behind the Ebro, where it might defy attack, and wait for reinforcements. You find him, as soon as his preparations are ready, carrying on one great and simultaneous operation. Whoever speaks of him, it is not possible he should speak of him without admiring him for his great abilities, whatever may be thought of his character in other respects. In rapidity of execution he is only equalled by his patience in preparing the means; he has all the opposite qualities of Fabius and Marcellus, whether you consider the country in which he acts, the people with whom he has to contend, or the means by which he is to subdue them. He rivals Hannibal in the application of the means, and is exempt from his only fault, that of not improving by past experience.—Are we to be surprised then, that such arrangements have been followed by such calamities in Spain, as make men shudder and the blood run cold? I come next to examine the means, which his majesty's ministers adopted to obtain information of the disposition and resources of the Spanish nation. Thirty or forty officers, it appears, were sent in various directions into Spain, to obtain that information which should have been obtained some months before. Whilst Buonaparté was engaged in the most active endeavours, to collect a force from all quarters to pour into Spain, no orders, it appears, were issued to our army in Portugal to move towards that country, till the 26th of September, when the first instructions to sir John Moore to that effect were dated. On the 28th of September, sir David Baird received orders to proceed to Spain. And here I cannot avoid calling your lordships' attention to another instance of neglect upon the part of ministers. It was not until three days before these orders were given to sir David Baird, that instructions were transmitted to general Broderick, directing him to concert with the Junta of Gallicia, measures for the debarkation of the army, and for enabling it to advance immediately. It has been said, that the correspondence of captain Kennedy represented that the Junta would oppose no difficulty to the landing of the troops; but that correspondence is on the table, and your lordships will perceive by looking into it, that it relates altogether to the refusal of the Junta of Gallicia to suffer the army to land. In point of fact, though sir David Baird arrived at Corunna on the 13th of October, it was not till the 30th that permission was given for the disembarkation of his army. Now when we consider the whole of this case; that the troops had been put in motion at so late a period; that no means had been taken to insure their reception when they arrived; when we consider besides the particular point at which his majesty's ministers had chosen to act, I am persuaded that your lordships will perceive throughout the whole of their measures, a system of improvidence, imbecility, and impotence, which would be a disgrace to the government of any country, still more to that of a great empire. Situated as he was, it was impossible for sir John Moore to begin his march before the beginning or middle of the month of October; and if the Secretary for the War Department had exercised those talents which I know him to possess, and had given himself the trouble to calculate dates or distances, he must have known, that it would not be possible for the army to form a junction on the frontiers of Leon and Gallicia before the middle of December. Did ministers suppose

that Buonaparté, taking example from their own inactivity and supineness, would not make any effort to retrieve those losses, which he had unexpectedly sustained in Spain? Did they suppose, that the encampment upon the Ebro had been maintained for no other purpose than to keep up a defensive position in Spain, without any intention to make an attempt to regain the ground that had been wrested from the enemy in that country? or did they imagine, that reinforcements would not be expedited, with all possible dispatch, to that post to which the French army had some months before been compelled to retreat? On the contrary, would not all the examples of Buonaparté's past conduct have shewn them, that no effort would be spared by him—that the utmost possible exertions would be made to retrieve his losses in Spain?—This, ministers might have calculated upon as a certainty, that, before the end of the month of October, even though he might be obliged to draw the reinforcements from the Danube or the Vistula, he would have collected an army in Spain adequate to the reduction of that country. Upon this head we had not been without information from the French accounts, which had been published in all the newspapers of this country. By these accounts it appeared, that, in a Message of Buonaparté to his Senate, on the 16th of September, he declared his determination to continue the war against Spain with vigour, and to destroy those armies which the English had landed on the Peninsula. Here there was a distinct declaration of Buonaparté's views upon Spain, previous to the orders sent out to sir John Moore to advance into Spain, or the instructions given to sir David Baird, to proceed from Falmouth to Corunna. Then followed a Report from the French minister of war, stating, "That it was of no small advantage, that in the ensuing campaign the French armies were to meet the English; that the English might themselves, at length, feel the effects of the war; that they would be destroyed or driven into the sea; or compelled to do as they had done at Toulon, the Helder, and in Sweden." Such language as this, proceeding from a minister of a foreign nation, could not but be most galling to every English feeling; and what rendered that language still more afflicting was, that the representation it contained, had unfortunately been realised by the event, and might have been prevented by ordinary prudence and foresight. Then, an addition of 200,000 men was called out in augmentation of the existing army, as appeared by the Paris papers of the 21st of October, received in this country on the 3d of November. By these channels of information we knew that between the middle of October and the 18th of November, reinforcements of infantry and cavalry, to the amount of 57,390 men, had actually joined the French army in Spain. The report of general Castanos states, that between the 1st of October and the 20th of November, not less than 68,000 men had arrived in Spain; which, with the force of 45,000 already in that country, made an army of 113,000 men, (of which 18,000 were cavalry,) applicable to the reduction of that nation. In this state of information, however, his majesty's ministers thought proper to send a British army to act against so superior a force in the open country, where their vast superiority in cavalry would give the enemy a decisive advantage, and where there was no adequate native force to support the British army. But even if the Spaniards had an army, which, instead of amounting in the whole to 85,000 men, as far exceeded its actual strength, as the exaggerated accounts received in this country stated, what should have been the first operations of the campaign? What was to have been expected in the first conflict, between new raised levies, and the best disciplined troops in Europe? What was to be looked to but losses in the first instance, though by unabated spirit and persevering exertions the Spaniards might ultimately triumph? The course they should have adopted was to retreat to their fastnesses, and at first to have abandoned a great part of the open country to the enemy, in which they might incessantly harrass him by desultory attacks, and learn in the school of adversity that experience and efficiency which would enable them finally to prevail over their enemies.—Under the actual circumstances of the country, therefore, no one could have supposed that the point selected by ministers would be that, in which the British army must have been employed against so superior a force of the enemy without any prospect whatever of success. It was not, then, till the 12th of October, that sir John Moore began his march from Lisbon for Spain. On the 14th of November he arrived with the head column of his army at

Salamanca, and on the 5th of December, when the other columns had successively come up, sir John Moore wrote that general Hope was at Avila, sir David Baird at Astorga, and that he expected within a short time to be able to assemble the whole army. It has been said, in another place, that if any responsibility were to attach any where for this line of march, which the army had taken, that responsibility rested with sir John Moore. Nothing, I contend, can be more unfounded than such an assertion. Sir John Moore had no choice, and the course he actually took was perfectly right, and it will, I am convinced, meet the concurrence of every military authority in the country, that his decision in favour of a march by land was sound upon military principles. It would certainly not have been desirable for him to venture on an uncertain passage by sea at that season, nor would it have been prudent in him to land his army in a country which had not the means of affording him the necessary supplies. On the 15th of November, sir David Baird began his march from Corunna, and on the 14th of that month the head of sir John Moore's army arrived at Salamanca.—Having thus stated what was the situation of the British army in the middle of November, I beg now to call the attention of your lordships to the situation of the French army at that period. On the 4th of November the French reinforcements had arrived in great strength in Spain, so as to enable their army to commence active operations. In point of fact, the French had begun to act on the 26th of October, as appears by their having surrounded and taken a column of 1,200 men. On the 30th of October the French began to act against the army of general Blake, and between that and the 11th of November totally destroyed or dispersed that army. On the 4th of November Buonaparté arrived at Vittoria; on the 10th the army of Estremadura was destroyed; and on the 13th Buonaparté actually established his head-quarters at Burgos, the very point where our army was to unite, one day before the head of sir John Moore's army arrived at Salamanca; two days before sir David Baird began his march from Corunna.—All these were circumstances that might have been foreseen by any ordinary capacity; and with the certainty that such circumstances must have taken place, it was the height of madness to send a British army to act in the North of Spain. It was the opinion also of sir John Moore, that the whole of the British army under his command should have been assembled on the Portuguese frontier, and directed its march to Seville, and not to Salamanca. If that plan of operations had been adopted, he might, if pressed, retire behind the Tagus, and thence into the province of Andalusia, where there was an important iron foundery at Seville; where the spirit of the people was most enthusiastic; and where there was a secure and impregnable port, Cadiz, to which in any emergency the British army could securely retreat. The port of Cadiz was capable of affording shelter to the fleet, and security to the army if obliged to fall back upon it. But here I do not mean to go into the cause of that jealousy which existed with respect to admitting our troops into that port; yet, if such a jealousy could have prevailed after we had sent a large army into that province to assist the cause of Spain, at all events our own impregnable fortress, Gibraltar, was a point, to which the army could securely retreat. That plan of operations would have been best for the security of the British army; most effectual for the Spanish cause, because it would establish the British army as a reserve round which the native troops might rally; and most harrassing to the French, because it would oblige them to act upon a more extended line.—But scarcely had sir David Baird begun his march, when at Lugo he heard of the destruction of general Blake's army: on his arrival at Astorga, he heard of the dispersion of the army of Estremadura: so that before he could have arrived at the scene of action, every army, from which he could have hoped for support, had been destroyed. And here I must beseech your lordships' attention to the Letter of sir D. Baird, dated the 22d of November, and to that of sir John Moore, dated the 24th of November, and to the representations of both as to the absence of all support from the native armies, and the want of the reported spirit or enthusiasm on the part of the people. In his letter, sir John Moore said, that if the real strength of the Spanish army, or the real state of the country had been known, Cadiz, not Corunna, would have been the point selected for the landing of sir David Baird's corps; and Seville, not Salamanca, the place at which the army ought to have been assembled. These documents shewed how hopeless the situation of af-

fairs in Spain was, how low the disposition of the people was at that period.—The letter from sir David Baird had been received here on the 3d of December; that of sir John Moore on the 8th; and it is in the recollection of your lordships, that these documents were in the possession of his majesty's ministers, when, on the 16th of December, they thought proper to advise his majesty to issue that celebrated Proclamation which pledged his majesty to "the universal Spanish nation;" which bound this country to a cause, which, according to every information, was at the time actually hopeless. I am ready to admit, that it would be the interest of this country, as it must be in its disposition, to maintain the cause of the independence of Spain, as long as there could be any reasonable expectation of success. But I cannot but disapprove of this gratuitous pledge solemnly proclaimed to the world under such circumstances; a pledge, which could not be of any service to Spain, and might be of considerable inconvenience to this country. This declaration is a point, upon which I think ministers are bound to give some explanation to parliament, as to the grounds upon which they thought proper to issue it, whilst they had such documents in their possession. But whilst general Hope was at Avila and sir David Baird at Astorga, the army of Castanos was defeated and dispersed, a part having retreated into Arragon, and another part proceeding south towards Andalusia. So that in three short weeks after he had commenced operations, Buonaparté completely succeeded in destroying the three armies upon which the British army was to depend for support. This was the result of the combination of the activity, foresight, and prudence of the enemy, as contrasted with the supineness, rashness, and arrogance of the councils of his majesty's ministers. The means provided by Buonaparté for the accomplishment of his purposes are so well combined, and his objects so ably prosecuted, as generally to give him a moral certainty of success; and whatever may be thought of his total disregard of the justice of those objects, it is impossible not to admire the ability and wisdom with which he combines the means of accomplishing them. A person high in office has, in another place, in adverting to this subject with a view to shew that fortune may be controlled by wise combinations and persevering spirit, applied to it the celebrated quotation,

"Nullum numen abest si sit Prudentia, sed te
"Nos facimus, Fortuna, Deam, cœloque lo-
"camus."

Buonaparté might unquestionably with the greatest justice apply this quotation to himself. He is said to be superstitious, to rely on his fortune, and to place confidence in his star; but whatever may be his disposition or his feelings in these respects, he never neglects to provide all the means that possibly can contribute to ensure success. It is not with him as with his majesty's ministers; he never enters into an enterprise without any calculation of consequences; he never exposes his fortune to risk upon the desperate chance of a distant possibility of success. In this situation, however, were the affairs in Spain, when sir John Moore, determined and properly determined, to retreat; and in this determination he continued till the 5th of December. It must now be obvious to your lordships, that that course would have been best for the safety of the British army, and most advantageous for the interest of the people whom it had been sent to assist; because, by retiring to the frontier of Portugal, sir John Moore might take advantage of any favourable opportunity to return to the assistance of Spain. Upon these grounds, therefore, sir John Moore persevered in his intention to retreat until the middle of the day, on the 5th of December, when his determination was changed. The noble Secretary of State has thrown down the gauntlet, and gallantly offered to justify this change. But I rather think the noble Secretary will find it extremely difficult to shew, that it was not only right but necessary for sir J. Moore to advance from Salamanca upon that occasion. The whole of the Spanish armies were dispersed and flying before the French, who had possession of the passes of Somosierra and Guadarama, and also of the great road to Madrid. Was that a situation, I would ask, in which sir John Moore should have advanced, and with an army, too, of only 26,000 men? I am aware that the noble Secretary of State, among other extraordinary things, has alleged that sir John Moore had 40,000 men at Salamanca. That is, the noble Secretary opposes the report of the papers in his office neatly bound up with red tape, to the assertion of sir John Moore, who had the army before his eyes. Yet with this army the noble Secretary would maintain that sir John Moore should, without any Spanish army, or even armed peasantry to sustain him,

have advanced into the centre of the country depriving himself of the means of retreat, at 200 miles distance from any place of embarkation. The proposition, in fact, need only to be stated, in order to demonstrate the impossibility of defending the noble secretary's opinion, not merely to military men, but indeed to any description of persons capable of combining two ideas. Under all the circumstances of the situation of the British army it was highly imprudent to advance, and nothing was to be expected to result from such an operation, but a hasty and disastrous retreat. It is an afflicting consideration to Englishmen that the consequence has been precisely what was to have been expected, and has reflected disgrace upon the counsels which led to it; but certainly did not leave any stain either upon the high character of the general, or the unparalleled spirit which had been displayed by his brave army. The prudent determination of sir John Moore, which he persisted in till the 5th of December, he was induced to alter on that day by the communications which he received from Mr. Frere, a gentleman, who, whatever may be his talents in other respects, and however painful and unpleasant it may be to me to make the observation, appears to be wholly unqualified, from his folly, ignorance and presumption, for that high and important station which he at present occupies. To prove the incompetence of this gentleman, I need only refer to his letter of the 27th of November, in which, appearing to be ignorant of the arrival of reinforcements to the French army which had augmented it to 113,000 men, he mentions to sir John Moore how desirable it would be for him, and how politic, to make an attack upon the French army before it should be reinforced; and yet at the date of that letter, the French army had been increased to 113,000 men. Another reason assigned by that gentleman for the advance of sir John Moore was that France was always weak after a great effort. Was France weak after the battle of Marengo? Was she weak after the great efforts made at the battles of Jena, of Vienna, of Ulm, of Austerlitz, or of Friedland? What could be such a proof of existing strength and powerful resources as the means that had been sent forth by France to insure success, and for the achievement of these important victories? Sentiments such as those expressed by that gentleman could not fail to remind one of the case of those who from being in the constant habit of telling stories, came at length to believe them themselves. Mr. Frere seems to me to be one of those, who in this country make a practice of decrying every effort of France, and predicting the failure of all her projects. Before the battle of Marengo the defeat of Buonaparté was anticipated; on the late coalition the downfall of his power was represented as certain in almost all the newspapers, not even excepting the Anti-Jacobin.—I come now to shew that the advance of the army from Salamanca was the work of this Mr. Frere. It will be in your lordships' recollection, that the instructions from lord Castlereagh to sir John Moore, directed him to be guided in every thing respecting the Junta of government by, and to take all his information on that, and all the subjects concerning the state of Spain from, Mr. Frere: not however, that he was to submit to his communications as to commands, but to pay every attention to them short of what should be paid to commands. I wish your lordships to bear these instructions in mind, in order that you may be able to judge of the weight which the letter of Mr. Frere must have had in determining the conduct of sir John Moore. In this letter Mr. Frere recommended to sir John Moore to suspend his retreat for the present: for the present he said, because such was the spirit of the people, that, if they should be abandoned by the British army, he was convinced they would still accomplish their object. When Mr. Frere stated the determined spirit of the Spaniards—nay, when he went the length of alledging, that if that people were even left to themselves, he had no doubt of their ultimate success, he still urged sir John Moore to advance to their aid, adding, that such a movement was at that time of so much importance to the interests of Spain, and he was so certain of its happy result, that he would be ready to take the whole responsibility of it upon himself. To this strong, and, as it afterwards proved, false statement, was owing the change which took place in sir John Moore's opinion on the 5th of December. This officer received another letter from the ambassador, stating that Castanos had an army of 40,000 men, which the Central Junta communicated their expectation of speedily augmenting to 75,000. Therefore sir John Moore was exhorted to advance to place himself in a situation either to join the army mentioned by the Junta, or to attack the flanks of the French. Accompanying

these communications of false intelligence was a most improper letter from Mr. Frere, which deserved the strongest terms of reprobation; which, by recommending the examination of the messenger who bore it before a council of war in the event of his not complying with the recommendation it contained, actually proposed to take out of the hands of sir John Moore the command of his army. But who was this bearer, to whose representations such respectful attention was to be paid? Why is his name withheld? Was he any great officer of experience? Was it Dumourier, or that great rival of Buonaparté, Moreau? No such thing;—but M. Charmilly, one of the most infamous characters existing. I am fully aware who he is; and I would appeal to my noble friend on the cross-bench (viscount Sidmouth), whether he was not, when in office, cautioned against this man? He is, in fact, one of those who commenced the sanguinary revolution at St. Domingo, where he was actually concerned in assassination. From St. Domingo he went to France, as one of the delegates from that island; and from France he came to take refuge here, where he attempted to impose upon the government, by assuming an authority and official character which he did not possess from the government of St. Domingo. Such was the man whom ministers thought fit to entrust. How, I would ask, could they be ignorant of his character? He who, for several years, has notoriously practised usury in this town, who can be traced through all the courts of law in actions for such practices; and whose name the noble lord on the woolsack may find among the list of fraudulent bankrupts. This then, my lords, is the sort of man whom Mr. Frere thought proper to select for the purpose of influencing the decision, if not of superseding the authority, of sir John Moore. In denouncing this man, whose name I have learned from private letters transmitted by sir John Moore to his relations, and in marking him as one of those emigrants, who took refuge in this country in consequence of the French revolution, I beg I may not be understood as casting any general reflection on that description of persons. God forbid that I should use any expression calculated in the slightest degree, to disturb the feelings of those high-minded persons, those generous spirits, who, from a chivalrous devotion to their sovereign and his family, fled from the French revolution. The conduct of such men not only entitles them to compassion but to admiration. But I mean not to confound such a person as I allude to with those whom I have just described. This person, who was the bearer of this extraordinary letter from Mr. Frere, it appears, left Madrid on the 2d, and of course could not be unaware of the state of that city at the time. In addition to the letter from Mr. Frere, he also brought a letter from Morla, who, on the very day he wrote the letter exhorting sir John Moore to advance towards Madrid, was actually negociating with Buonaparté for the surrender of that city. Thus, had sir John Moore been influenced by Mr. Frere's confidential messenger, whom there was great reason to consider as a traitor and a spy for the enemy, or by the exhortation of Morla, whose treachery to the Spanish cause had since become glaring, the probability was, that our whole army would have been destroyed or taken prisoners; certainly, if sir John Moore had advanced towards Madrid, such must have been the consequence, and it was not alone the loss of that ever-to-be-lamented officer, that the country would have had to deplore, but the destruction of his whole army. How are ministers to account for arrangements which exposed this gallant officer and his force to so much imminent danger? That danger was indeed so felt by sir John Moore himself, that it was impossible to read, without emotion, the letters he wrote to his friends upon the subject.—The conduct of this gallant officer was, indeed, throughout that unfortunate campaign, which terminated in his glorious death, calculated in an eminent degree to excite the interest of every generous and just mind. His arrangements at Corunna, both as to the contrivance and the execution, were honourable to his character and worthy of the highest eulogiums of fame.—There are other points connected with this question, which I must leave to be discussed by others; having, I fear, trespassed too far upon the attention of the house, and feeling much exhausted myself. I could dwell upon the want of information and foresight which ministers betrayed, upon the inadequacy of their supplies to the army in every respect, and particularly in cavalry, of which they sent but 2,000 altogether, to a country, too, where that description of force was peculiarly necessary. This deficiency could not proceed from the limited number of

our cavalry. For we had now no less than 27,000 of that body, and it would be remembered that in the years 1793 and 4, when we had only 14,000, we had 7 or 8,000 then upon the continent. I could also animadvert upon the circumstance of leaving both sir David Baird and sir John Moore in want of money; upon the inattention of the admiralty in sending no instructions to admiral Cotton from April to the date of the Convention; the improvidence manifested with respect to the security of the fleet at Ferrol; but, above all, I could call the particular attention of your lordships to the consequence of this unfortunate campaign; to the loss of 7 or 8,000 men, without any advantage to Spain or to this country; to the loss of horses, stores, and money sent to Spain, &c. &c., to the amount of no less than eight millions. With this review of the conduct of ministers; of those who produced such a calamitous result, how is it possible to attend to the cant of modern patriotism, that it is of no consequence by whom the administration of our government and resources is conducted? As well might it be maintained, that it would answer as well to have an army directed by a commander whose folly and inexperiences was proverbial, as by a Marlborough. How can it seriously be urged, that it is the same thing whether the government be entrusted to incapable persons or to able statesmen? I am really astonished at the absurd extravagance of the doctrine, into which men of general good sense and good intention have been recently betrayed upon this subject. To the principles of reform; to a temperate, intelligible, and definite reform; I have been always, and still continue, a friend. To promote that desirable object was, I contend, the study of the last administration; and, I can answer for it, that no man is more friendly to such an object than my noble friend near me (lord Grenville). It was, in our endeavours to attain that end, we incurred the reproaches of those who covered their censure under the specious phrases of a "sordid economy and want of vigour."—The noble lord concluded with an animated appeal to the house, exhorting their lordships by their regard for themselves and their posterity, by their consideration for the wasted blood of their countrymen, for the dilapidated resources of their country, for their national character, for the interests of the Spanish cause, and for the ruined prospects of Europe, to acquiesce in a motion, which had for its objects, to call to an account the men, to whose mal-administration such numerous and severe calamities were attributable.—The noble lord then read the following Address, which he proffered for adoption:—

"That an humble Address be presented to his Majesty, to represent to his Majesty that we have considered with attention the various documents, incomplete as they are, which have been laid before us respecting the efforts made by his Majesty during the last campaign, in support of the resistance of the people of Spain and Portugal to the unjust aggression and usurpation of the French government.—That we feel ourselves bound to represent to his Majesty, that on the result of this examination, we have seen with mortification and grief the disgrace brought on his Majesty's councils, and the injury sustained by the British empire from the want of information and foresight which have been evinced in every part of the conduct of his Majesty's Ministers. That no rational plan of operations has at any time been formed by them either for the direction of our own exertions, or for combining them with those of the Spanish and Portuguese nations; no just view taken of the political situation of either country, nor any due attention paid to the supply of those means which alone could have enabled the British armies to act with a reasonable hope of success.—That with such proofs before us, it would not be consistent with our duty to withhold from his Majesty a declaration of our full conviction that, owing to the rashness and mismanagement of his Majesty's Ministers, the hopes which the nation had been led to entertain have been disappointed, a large and useless expenditure of the means and resources of the country has been incurred, a great and dangerous accession of political naval and military strength has already been obtained by the enemy, and above 7,000 of his Majesty's brave troops, together with their gallant commander, have been sacrificed without advantage in enterprize without plan, combination, or foresight, and equally ill-timed and misdirected."

The Earl of *Liverpool* rose in reply. His lordship began by agreeing with the noble earl, that the feeling of fair confidence in the executive department of the state which had been expressed by almost every man in the country, when the first

prospect appeared in Spain of resistance to the aggressions of France, laid on his majesty's ministers as heavy a responsibility as any, to which a government was perhaps ever subjected. On the part of his majesty's ministers he was anxious to declare, that the furthest wish from their minds was to avoid inquiry into their conduct; their only desire was, that that conduct should be fairly investigated, and that no misrepresentation of the facts should be substituted for the facts themselves. The first of these misrepresentations which he should notice was, the insinuation that his majesty's ministers had used every means in their power to stir up the popular feeling on this subject. It must be evident to every unprejudiced mind that this was not the case, but that the popular feeling had been expressed spontaneously and consentaneously. The noble earl had censured his majesty's government for precipitation; he had declared it to be his opinion that they ought to have waited to ascertain the probability of the success of the cause of patriotism in Spain, before they offered the Spaniards assistance. This was a most extraordinary opinion. What! when the feeling of resistance against oppression was so strong and so general in Spain, would it have been honourable to the British character, had his majesty's ministers told the gallant Spaniards; "We will not give you aid while you are most in want of it; while your efforts at emancipation are in infancy; but we will defer our assistance until you are in full strength, and need it not?" Had such been the language held by his majesty's ministers, they would, indeed, have deserved the reprobation of every man in the country.—It was a singular circumstance in the hostility shewn to his majesty's ministers, with respect to their conduct in the affairs of Spain, that each individual who censured their plan had a plan of his own, but that unfortunately none of these plans had a single principle of agreement with each other. This at least shewed the difficulty under which his majesty's ministers had laboured in the formation of their own measures, although it afforded a facility in defending them. He was convinced, that he should be able satisfactorily to prove to their lordships two things; the first, that the plan adopted by his majesty's ministers with respect to Spain, was the most wise and expedient, that could have been adopted in the view in which circumstances at first presented themselves; and that it was pursued with the utmost steadiness and firmness; the second, that, had any other plan been adopted after more full information had been obtained, it would probably not have been more successful than the plan adopted by them. The noble earl had contended that his majesty's ministers had been remiss in not having made a great effort in Spain itself in the first instance. Now, before any opinion could be formed on the propriety of such a step, it must be considered, that prior to any extensive operation of the nature alluded to, it must have been necessary to look for some safe port, where the troops might be disembarked without danger; into which the victuallers could be received with ease, and near which the men of war might have remained for the purpose of co-operation. As a general principle, he might safely contend that it was impracticable, and that if practicable, it was not wise to send a large British army into the interior of any continental country, without the previous attainment of the means by which that army would be rendered secure. These means were wholly wanting on the North West Coast of Spain, recommended by the noble earl. No security could there be found for re-embarkation of troops; no facility existed there for extensive operations. There was considerable danger even to single ships off that coast, and the provinces there were worse supplied with provisions than any other in Spain. If any confirmation of these assertions were wanting, it would be found in the opinion of the marquis de Romana, who, being to be sent with his limited force to St. Andero, where he had every inducement to wish for the neighbourhood of a British army, distinctly declared, that we might have an *entrepot* at Corunna, at Vigo, at Ferrol, at Lisbon; but at no port on the North West of Spain. Thus far it was proved that such a measure would be militarily impracticable. It remained to shew that had it not been militarily impracticable, it would have been politically inexpedient at that time to have sent a large British army into Spain. Spain rose by separate provinces; these separate provinces had separate Juntas, separate armies, and separate generals. There was no common center of union, and although he did not state this as an objection to sending a definite force for a definite object; yet he contended, that considering the unavoidable jealousies which must have existed among so many authorities of equal rank and power, it would

have been highly imprudent to have trusted a British army in the heart of Spain, until some one of those authorities obtained a predominating influence. He knew that it had been urged as matter of complaint, that demands had been made for assistance by some of the provinces in Spain, which demands had been uncomplied with. Ten thousand men had been asked for by the province of Asturias. This was for local defence. It became a matter of consideration to his majesty's ministers, whether or not it would be wise to grant this request; and that certainly formed one of the principal reasons for their refusal. The point for which the assistance was sought, was one of the least vulnerable to the enemy. Another complaint made was, that the province of Gallicia had called for the assistance of cavalry, which had never been sent there. He believed, however, that no minister who knew his duty would have advised his majesty to send cavalry to Gallicia without accompanying it with a due proportion of infantry. Besides, in his opinion, it would have been most fatal to the cause of Spain, and the Spanish army, to have sent them this aid of cavalry, for it would have drawn the Spanish infantry from the mountains down to the plains where alone the British cavalry could have acted, but where the French infantry were in irresistible superiority of numbers. In June, when the Asturian Deputies, and afterwards the Gallician Deputies, arrived in this country, a British military force was preparing for embarkation under the command of sir Arthur Wellesley. The noble earl was, however, mistaken in supposing, whatever might have been the original destination of that force, that there existed in the breasts of his majesty's ministers the least intention to persevere in carrying that original object into execution, after they were informed of the appearance, however partial, of resistance in Spain to French tyranny.—This force was sent out with directions to proceed either to the coast of Spain or to the Tagus; and it was judged expedient to entrust sir Arthur Wellesley with a discretionary power on this subject. The noble earl had stated, that his majesty's ministers had sent this force to sea without any definite object. But what would he or any other man have thought of his majesty's government if they had delayed their operations, and risked the loss of an important object, by waiting for precise details, possessed as they were of general information respecting the occurrences in Spain? They knew that they could safely trust the gallant officer at the head of that expedition with the discretion vested in him; they knew that even as a diversion alone, the expedition would answer a most important object. Were their lordships aware of the advantages which might have been derived from that force, even had it not proceeded to the place of its destination, by diversions upon the coast? In the state of Spain and Portugal such diversions would have been most serviceable. It was to the diversion of general Spencer at Ayamonte that the speedy defeat of Dupont was attributable, because it prevented a division sent by Junot to his assistance, from passing the frontiers into Spain, in order to co-operate with Dupont. In his opinion, it was the duty of government, as it was their invariable effort, to equip the best force they could, and to direct it against the object which it seemed to them most material to attain, but without such a final determination as should preclude all discretion on the part of the commander. This force, under sir Arthur Wellesley, called at Corunna at a very critical moment. The Gallician Junta declared, that the first object of the British ought to be the expulsion of the French from Portugal. At that time such an operation was obviously the most advantageous, both for Spain and Portugal. General Dupont was in a state of resistance. The contest in the south was undecided. But even after the surrender of Dupont, there could be little doubt of the policy of expelling the French from Portugal, and thus enabling the Spaniards to direct all their attention to the Pyrenees. In compliance with the wish of the Gallician Junta, sir Arthur Wellesley proceeded to the Tagus, and determined to attack the French there. He could say with truth of that gallant officer, that in coming to this determination he was influenced by his public duty alone; for amidst all his brilliant qualities, no one was more eminent than the complete absence of envy and of any feeling of humiliation or degradation at being employed under any other officer. He would not repeat any eulogy on the victories obtained in Portugal; he would only observe, that in thirteen days sir Arthur Wellesley beat the French army in one general and two partial engagements, and compelled them to an armistice, and to an ultimate evacuation of Portugal. With respect to the supercession of sir Arthur Wellesley, it was

impossible that any member of parliament should say who ought, or who ought not to command an army. Sir Hew Dalrymple was at Gibraltar when the first communications of the emotions in Spain arrived, and had conducted himself with distinguished ability. Having thereby gained the confidence of the Spanish nation, he was selected as a proper person to take the command of the British army destined to act in aid of the Spanish cause.—But to proceed with the accusations of the noble earl. The next was the alledged want of cavalry in Portugal, and the assumption, that to that supposed deficiency the Armistice and Convention were to be ascribed. He wished to enter at some length on the subject of the British cavalry which had been sent to the continent. The public mind had been very much misled on this topic, and it was material, with reference both to this and other expeditions, that the house and the country should not run away with false ideas. Had the noble earl ever inquired what the proportion of tonnage for cavalry bore to that of tonnage for infantry? For infantry (and for a short distance) a ton per man was considered as sufficient; for every horse transported, not less than nine or ten tons were allowed. Thus it would appear, that it would take as much tonnage to carry 5,000 cavalry, as 40,000 infantry. But the amount of tonnage was a small part of the question. The quality of the transports was a more material consideration. A horse transport must be a vessel of a certain description, having a certain height between the decks, &c. The quantity that government could at any time procure of such vessels was very limited; besides, it was to be recollected that cavalry horses were not the only horses sent with an army; there must be horses for the artillery, for the staff, &c. This was one point to be kept in view, when the neglect to send cavalry was attributed to government. The next consideration was the nature of the country to which the cavalry was to be sent. The central provinces of Spain were cavalry countries; but this was not the case with the frontier provinces; it was not the case with Gallicia, with Asturias, with Portugal. When sir John Moore was retreating, he was forced to separate the cavalry from the infantry, because the nearest rout for the infantry was not calculated for affording supplies to the cavalry, and the infantry under sir David Baird was delayed, owing to the necessity of bringing forward the cavalry in small detachments. Along with this he desired their lordships again to look at the difficulty of sending cavalry. He requested them to consider, that to Egypt, where they might have been of great use, not more than 150 were sent, and the men themselves had been obliged to move the artillery. Cavalry could only be sent to the peninsula by degrees, on account of the difficulty of procuring the supplies for that species of force there. But notwithstanding this, when it was known that from 8 to 9,000 horses had been sent, and that no less than 12,000 would have been sent in all, had it not been for the information that sir David Baird was retreating, he trusted that their lordships would allow that this was the greatest effort of the kind that had ever been made by this country.—In applying these observations, the noble secretary said, that it was neither wise nor practicable to send in the first instance, more cavalry with sir Arthur Wellesley than had actually been sent. On the 22nd of August the cavalry of the British army was superior to the number which the enemy had at the beginning. It was owing to the rapidity with which sir Arthur Wellesley had advanced, that they were not present on the day of the battle of Vimiera, although he was very far indeed from conceiving that this rapidity was improper under all the circumstances. Whatever might be thought of the Armistice and Convention, the want of cavalry had no effect upon the consideration of these subjects. Whether the French ought or ought not to have been permitted to quit Portugal except as prisoners of war, was a question which he would leave to military men to determine. If more favourable terms could have been obtained, they ought, of course, to have been insisted upon. But what he wished to press upon their lordships, was, that if the operations in Portugal had been delayed for six weeks longer, the army, owing to the rainy season, would probably have been deprived of 5,000 men more than it had actually lost. The noble Secretary, before he left the question of Portugal, observed, that the only object for the government to pursue, with respect to the internal affairs of that country, was to support the power left there by the Prince Regent. The British army had entered Portugal as allies, not as conquerors. With respect to the operations in Spain, he observed that before the government had intelligence that the campaign in Portugal

was likely to be so soon finished, instructions had been sent out to sir Hew Dalrymple to prepare the army for their march to Spain as soon as possible.—There was one material omission in the speech of the noble earl, which he thought it necessary to recal to their lordships attention. Whilst the noble earl had indulged in so wide a latitude of censure upon the line of conduct pursued by his majesty's ministers in the planning of their operations in Spain, it was not a little remarkable, that that noble lord should have entirely forgotten that the line of operations marked out and prosecuted by the British government had received the sanction and approbation of the two first generals in the Spanish armies. The noble earl seemed also to have forgotten that the course of proceedings suggested by us was at the very same time concerting in Spain, and preparing to be carried into effect. This did not appear to him to be a proof of the absurdity or folly of the course of proceeeding that, under such circumstances, had to ministers appeared eligible. After sir John Moore had come to a determination of maching into Spain through Portugal, he would ask the noble earl how, in his wisdom, he would have disposed of the forces of the country then upon the peninsula? Having driven the French out of Portugal, an object which the Gallician Junta had pronounced to be of the last importance to the cause of Spain; after having effected that object, he would ask, would it have been advisable to have let the army remain in inactivity, or to have sent them where nothing could have been done? Or was it not rather the imperious duty of those to whom the power and the wishes of this country in that cause were at that time entrusted, to have made an effort in Spain for the cause in which the best feelings of Englishmen were so deeply interested? Would it, he asked, have been an adequate and suitable evidence of the zeal and ardour, that prevailed throughout the empire, to have suffered so fine an army to have remained patient spectators, while their ally was bleeding in the cause it had been sent out to assist? Not that he meant that ministers, at such a period, were to yield implicitly to the cry of popular enthusiasm; he was aware that such an enthusiasm called for a proportionate exercise of the coolest deliberation, and the most dispassionate judgment. And here he could not help animadverting on that part of the speech of the noble lord, in which he insinuated that that enthusiasm had been industriously stimulated by the government. He, for his part, knew of no stimulus greater than the common sympathy of freemen in the cause of freedom. He was aware, too, of the indignation such a sympathy was calculated to excite in contemplating an usurpation as tyrannical in its design, as it was perfidious in its execution; but he denied, that those feelings to any criminal excess were allowed to bias the cooler judgment of the government of the country, in deciding on the best and most efficacious manner of disposing of our military means in support of the Spanish cause. His majesty's ministers in embarking in that cause, were not so weak, so improvident, so foolish, as to expect, that the first efforts of the Spanish people, contending with such an enemy, would be crowned with unqualified success; that no discomfitures, no checks, no disasters, no reverses, would retard and embarrass the early and crude operations of undisciplined bravery, when brought down into open plains to contend with the superior discipline, the superior strength, and the superior generalship of such a power as France. No; weak as the noble lord might suppose ministers, they were not yet guilty of calculating with certainty upon impossibilities; they did not expect that such a cause as the cause of Spain, to be fought for with such an enemy as the ruler of France, could possibly be determined in one campaign. They, who had such an expectation, must have taken a narrow view, indeed, of the subject. Reverses they had certainly met, but they had not been owing to the cause to which the noble earl seemed so anxious to ascribe them. Those reverses had not been owing to the indifference or the apathy of the Spaniards. They were to be imputed to their want of discipline; to an ill-judged contempt of their enemy; a sentiment that was to be traced to any other feeling rather than that of apathy or indifference, and that in itself was a proof of their zeal and ardour; and this in the commencement was so much relied upon, that the marquis de la Romana did not think it would be eventually necessary for our reinforcements to act in the interior of the peninsula, such confidence was reposed in the native spirit of the country. With regard to the measures adopted subsequently to the arrival of sir John Moore at Salamanca, he would not detain their

lordships by going at large into detail upon the transactions; but he was willing to meet the noble earl upon the general ground of the consequences resulting to the cause of Spain from the measures subsequently adopted. When sir John Moore first arrived at Salamanca, he received intelligence of the defeat of Blake's army. He received intelligence of the defeat of the army of Estremadura, and of the signal defeat of general Castanos. Upon a due consideration of those disastrous events, and of the state of his army, not being furnished with a due portion either of cavalry or artillery, he finally determined on a retreat, and accordingly ordered sir David Baird to retire upon Corunna, while he would fall back upon Vigo. In this situation general Hope formed a junction with sir John Moore, who about the same time received the intelligence that Madrid resisted the progress of the enemy. By the junction of general Hope, the army of sir John Moore received its fair proportion of cavalry and its full proportion of artillery. Thus circumstanced, and apprised as he then was of the spirit manifesting itself in Madrid, was it, or was it not, he would ask the noble lord, an opportunity that called for some effort upon the part of the British forces, situated as they then were? or if it was not, he put it to their lordships, what would have been the general sentiment in Spain and in England, had the army retired without attempting any thing? If in that most interesting crisis, when after all their repeated disasters, the spirit of Spain was reviving, and her chief city bidding defiance to an immense army at her very gates, if in such a moment a British army, so marshalled and equipped, were, after a long march to the aid of their ally—if they were in the hour of trial coldly to turn their backs upon his danger, what would be thought of the sincerity of the effort of British co-operation. But the noble lord had animadverted in strong terms of disapprobation on the conduct of Mr. Frere. The noble lord had even gone so far as to question the propriety of the appointment of that gentleman. If the noble lord's objections were to the office itself he did not see upon what they could be grounded. Nothing had been more sanctioned by prescription than the custom of having a diplomatic agent to co-operate with the officer entrusted with the chief military command. But even if this had not been customary, still the peculiar circumstances of the case itself, where the operations of the army were in a great measure to be influenced by the result of events on the Spanish councils, such circumstances more than justified the appointment; and he could not agree with the noble lord, that the making out such an appointment was in any degree trenching upon the authority of sir John Moore. —And here he was naturally brought to the correspondence, that had passed between those two persons, and which called forth so much commentary from the noble lord; and in the first place it did appear upon the face of that correspondence that it had not originated in any intrusion on the part of Mr. Frere. Mr. Frere's first letter was an answer to one from sir John Moore, in which that officer called for the sentiments of the king's minister there. There was nothing unusual or extraordinary in persons so situated wishing that the common cause in which they were engaged should have every advantage resulting from the aid of their mutual advice and consultations; but there was one assertion of the noble lord, in commenting on that correspondence, which he believed would not be found to be correct, at least he hoped it would not, for the sake of sir John Moore himself; it was that sir John Moore had been influenced contrary to his own judgment, by that correspondence, to advance from Salamanca; this did not appear on the face of the correspondence; but it did appear that sir John Moore had refused to suffer Mr. Frere's judgment to influence his military movements; and in so doing there could be no doubt of the propriety of his conduct. As to Mr. Frere's letter requiring the Messenger to be examined before a council of war, he did not mean to vindicate it; at the same time that he believed too much justice could not be done Mr. Frere, as far as respected his zeal for the country's interests and the purity of his motives; but to prove to their lordships that sir John Moore did not suffer himself to be influenced so far as had been insinuated by the noble lord, he would, with their lordships leave, read to them an extract from the letter he alluded to from sir John Moore to Mr. Frere. The noble lord then read as follows:—"With respect to the determination which I made on the evening of the 28th, upon receiving from Mr. Stewart the account of Castanos's defeat, I should, had you been with me, have communicated it to you, but should never have thought of asking your advice

or opinion, as that determination was founded on circumstances with which you could not be acquainted, and was, besides, a question merely military, of which I should have thought myself the better judge." Here then, it was evident, not only that sir John Moore's judgment had not been influenced by the advice of Mr. Frere, but that he himself was averse to that advice, or at least did not approve of it. Besides, with respect to the advance into Spain beyond Salamanca, not being a measure originally of sir John Moore's, it appeared in that correspondence that before he had heard of the defeat of Castanos, he had determined to march to Madrid, and even notwithstanding that, he would, perhaps, have done so subsequently, had it not been that the great passes of Somosierra and Guadarama had been previously occupied by the French. He contended, that the advance of sir John Moore was the spontaneous result of his own free judgment. He was retiring, when he is joined by general Hope; his army is supplied with artillery and cavalry, and Madrid firmly resolved to hold out; and in consequence he altered his previous determination. And now that he had said so much as to this advance being the determination of sir John Moore himself, he would say one word on the consequences resulting from that advance. Whatever might be the sentiments of other persons on this subject, he, for his part, believed in his conscience, that that forward movement of sir John Moore had saved Spain. There perhaps were some, who were startled at this assertion; it was his fixed and decided opinion, and as such he would avow it. After the defeat of Castanos, after the dispersion of the army of Estremadura, after the destruction of the army of Gallicia, after the capitulation of Madrid, that promised to emulate the glory of Saragossa, and would have done so, had not treachery interposed?—After such a series of success on the part of the French ruler, what was his next object?—evidently to over-run the South of Spain as he had the North. What would have been the result, if he had at that crisis pursued his conquests by pushing to the Southern Provinces? why, the troops of Spain would never have had time to rally in the South; but they have had time to rally and to revive with encreased vigour; and what, he asked, gave them that time and that opportunity, but the diversion created by the advance of sir John Moore at that critical period in their favour. Never was there a more effectual diversion. The French ruler had been obliged to abandon his preconcerted project on the South; and to that diversion were to be ascribed all the successes that had since it taken place in Spain. Nor was the moral effect of thus reanimating the spirits of the nation to be wholly laid out of consideration. But if the noble lord wanted further testimony of the result of this forward movement, sir John Moore himself said, that the movement as a diversion had completely and effectually succeeded. Nor, in considering the means of taking advantage of a diversion of this kind, was the nature of the country itself to be overlooked. Its mountains were well adapted for breaking and dispersing the movements of immense armies over the surface of the country, while they were at the same time secure retreats for nursing to maturity that inferiority of force and discipline which must expose the natives in any pitched action on a plain with a French army, to say nothing of the superiority of the enemy both in cavalry and artillery. After the retreat had been finally determined on by sir John Moore, government having been informed that Vigo was the most conveniently circumstanced port for embarking the army, had ordered the transports and victuallers there; but in the course of the retreat sir John Moore had met with sufficient and good reasons to induce him to alter his line of march, and fall back on Corunna instead of Vigo. For this proceeding there was not the slightest blame imputable to that officer, but neither did it follow in this instance, that because he was blameless his majesty's ministers were culpable. The transports were countermanded from Vigo to Corunna as speedily as it was possible. With respect to the termination of that retreat in the splendid action at Corunna, he should now say nothing, but the signal display of British valour upon that occasion would not speedily be forgotten by the enemy. Much had been said by the noble lord as to the squandering of British blood, and the waste of British valour. He was prepared to say, that, taking the extent of the exertion (to say nothing of the success), and comparing the loss upon that occasion with the losses sustained at the Helder, at Egypt—comparing here to the extent of the exertions, that it would be found, that the loss in this instance had been comparatively small; the casualties of the army

were included in his view of the loss, and they amounted to three or four thousand men, besides the unavoidable loss in two general actions; and they were not to forget their comparative deficiency in the commissariat, considering the superior means of the enemy in this department, from their superior experience, arising out of eighteen years continued warfare.—The noble earl concluded his speech in the following terms: "Having gone through the several points adverted to by the noble lord, I wish now to consider what has been the event of the campaign.—By it we have gained the possession of the Russian fleet, while our own has been relieved from the tediousness and difficulties of a blockade; we have materially assisted the cause we undertook to support; and I maintain, whatever may be the final result of the contest we are engaged in, France has not yet succeeded in subduing Spain. I admit Buonaparté has 200,000 men in that country, that his troops are of the bravest, and his generals among the most skilful in the world; and, above all, that he has been himself at their head; and yet, with all this, he has not got possession of more territory than he had last year; on the contrary, he only holds such parts as in every war fell to the lot of whichever brought the largest army into the field. Even by the last accounts, he had gained no fresh advantages. I well remember what was said a year ago, that either Buonaparté must wholly succeed, or wholly fail, for that partial successes would never answer his purpose. What, then, is the fact? He has had partial success; and, notwithstanding, he has not yet got into his possession more than half of Spain, and the people have evinced a spirit that may be truly called persevering. I am far from saying, regard being had to the man and the circumstances of the case, that the Spaniards must ultimately succeed; but, at the same time, looking at the spirit they have evinced, and the actions that have happened, particularly the defence of Saragossa, so gloriously persevered in, I cannot feel lukewarm in my hope that their efforts will be crowned with ultimate success. When your lordships consider the great popular revolutions that have occurred, do they ultimately succeed without great changes? Switzerland and Holland are instances of this; but above all, America. In that fatal contest with America we had gained every battle; we had assailed and taken every town we besieged, until the capture of general Burgoyne; and yet the Americans had ultimately succeeded by perseverance in the arduous contest. In the present important struggle, do not the extent and nature of the country afford a hope of success; does not its population forbid despair? The noble earl concluded his speech with a censure upon the conduct of his majesty's ministers. The noble earl may not approve of our measures, so neither do I approve of his counsels; I do not approve of those sublime operations in Egypt, at Buenos Ayres, at Constantinople, and other places, that emanated from the wisdom of those with whom the noble earl has been used to act. Upon the whole I have the satisfaction, in common with the rest of his majesty's government, to reflect, that whatever may be the consequences of the struggle we are embarked in, we have not lost the confidence of the Spanish people; we know that every true Spanish heart beats high for this country; we know that whatever shall happen, they do not accuse us. Submission may be the lot they are fated to endure in the end, but they do not impute to us the cause of their misfortunes; they are sensible that neither the thirst after commerce, nor territory, nor security, is to be imputed to us, in the assistance we have afforded to them upon this important occasion. Whatever may be the result, we have done our duty, we have not despaired, we have persevered, and will do so to the last, while there is any thing left to contend for with a prospect of success.

Earl *Moira* supported the motion of the noble mover. He condemned the king's ministers as well for what they did, as for what they did not do. Let the house but remember the situation of Spain, and of the French armies in that country at the period of the simultaneous rising of its people. That occurrence was unexpected by the French government, and his majesty's ministers here were in full possession of the plan of operations which the French armies in Spain had adopted on that event. Nay, the precautions of the enemy apprised them of the very course of operations which was necessary to defeat those very precautions. The position which the enemy took invited Great Britain to the very theatre to which it should have directed the progress of its armies. That position plainly proved that it was the object of France to consolidate its force on

the banks of the Ebro, with the view of keeping open its means of supply and reinforcement by the passes of the Pyrenees. What, then, should have been the natural pursuit of a British army destined for an efficient co-operation with the Spanish Patriots? It certainly was to lose no time in effecting its disembarkation in the northern provinces of the Peninsula, and then to proceed to cut off the means of supply from France to its armies on the Ebro. Perhaps there was one grand objection to this plan existing in the minds of the king's ministers; namely, that to men of such extensive views it was a system both too simple and obvious. There was, indeed, some plea or excuse in the argument of the noble secretary, that St. Andero did not admit of the disembarkation of a large army. Allowing this objection its fullest force, still there was the port of Santona close to the position of the enemy, and fully capable of affording space for the largest body of troops, and offering every convenience for supplying that army on its march to the passes of the Pyrenees. If the object was to co-operate with the Patriots in the north of Spain, this was the line of operations which it was incumbent on this country to pursue. On the other hand, the south of Spain was open for our exertions, with the opportunity of having Gibraltar for a depot. In such case there was the advantage of being fully acquainted with the subsequent proceedings of the enemy. Neither of these objects, which seemed to press themselves upon the view of those who looked for a successful British co-operation, were attended to by the noble secretary and his colleagues. That night it was contended that Portugal was their first and fixed object. In arriving at that conclusion the light of conviction reached ministers very tardily, for from the papers before the house, it would be seen that not many days before the dispatches were sent to sir Arthur Wellesley desiring him to disembark in Portugal, he was by the noble secretary of state (lord Castlereagh) strenuousiy directed to proceed to the coast of Spain. This dispatch ordering him to Portugal was dated the 30th of June, and the change in the destination may be attributed to very loose information which his majesty's ministers received on the next day from admiral Cotton, stating to them that there were only 4,000 French troops in Lisbon. This it was that gave a new direction to the hopes and a new object to the policy of the British government. It was upon this loose expectation of a light but speedy triumph, that all our sympathies for Spanish success were in a moment deadened, and the armaments destined for their support were diverted from their original destination; and to this change, and to it alone, were all the subsequent evils to be attributed. It was this change that prevented sir John Moore from advancing to Madrid, and supporting with his gallant army the determined spirit and enthusiastic patriotism of its inhabitants. It was this change that led to the division of that army into two columns, which impeded the one from advancing in an opportune moment, lest it should not be able to secure its junction with the other. The noble secretary had adverted to the circumstances which closed the campaign in Portugal, and attempted to release himself and colleagues from being considered as advocates for all the specific provisions of the Convention of Cintra. Although such were his professions, he seemed to justify a different conclusion from the manner in which he extenuated these transactions. Indeed, he went the length of contending, that a great deal had been done for the public cause by that event. It was for their lordships to consider where or when this great benefit was effected? Was it effected either in diminishing the number of the French troops then pouring into Spain; or in co-operating with any of the Spanish armies then in the field to oppose them; or in defending any of those strong positions capable of affording so much advantage, either as points of attack or of retreat. No such good consequence followed; there was no French reinforcement retarded, no Spanish army assisted, and ultimately almost the whole of the peninsula was over-run by the enemy. But the evil effects did not even terminate here; they affected most vitally the best interests of the country. They depreciated Great Britain in its character for sincerity, and zeal for the rescue of the continent.—The noble secretary does not now despair of a successful termination to the glorious struggles of the patriotic Spaniards; neither (said the noble earl) do I; but I still have the lamentable conviction, that if they fortunately shall succeed in erecting a proud trophy to their heroic efforts, Great Britain has, by the conduct of her public servants, incapacitated herself from sharing the credit of having supplied a single stone. This discouraging feeling

is not a little embittered by the reflection of having shed, so ineffectually shed, our best blood; of being obliged to admit its truth at a moment when we lament in sorrow and regret over the tomb of a gallant soldier who, although snatched from his country, in the moment of victory, still perished with the consciousness that his victory could be of no avail (Hear! hear!). We have heard much of the lukewarmness of the Spanish people during the retreat of the British troops. Is it not possible to find a very natural source for such a change of disposition; for such an impediment to ultimate success? Was the course pursued by his majesty's government calculated to attract the feelings and to allay the jealousies of the Spanish people?

Viscount *Sidmouth* said, that whatever differences of opinion there might be as to the merits, there could be none as to the importance, of the motion under consideration; it was connected with the best interests of the country. He did not hesitate to pronounce, not only, that the preponderance of argument was in favour of the noble earl who brought forward the motion, but there was no answer whatsoever given to the points he had urged. He would not go into the detail of this subject at that hour. He never heard of an intention to employ the British forces on the continent without entertaining much apprehension; he would not say that there could be no occasion to justify it; but the experience of the last 15 years had taught him a lesson of caution. If an army was to be sent into the interior of Spain, it should not have been sent until necessary provisions were made to secure its retreat in case of disaster; it was necessary that there should be a supreme executive authority in the country; it was necessary that there should be a commander in chief, and though he thought it perfectly right in his majesty's ministers not to stipulate for any advantage as the price of succour, it was yet necessary to stipulate for such protections as might be wanting to their more complete security. If it had been known that Dupont was defeated, it would have been right to send troops to Portugal. Sir A. Wellesley should not have quitted the country without an adequate force. The object of the expedition to Portugal was stated to be the expulsion of the French; but the armistice in which it concluded formed a just ground of complaint; never was there a better description of it given, than what his majesty's ministers had themselves stated; that it had disappointed the hopes and expectations of the country. Among other causes which contributed to the armistice so unfortunate for the public service, was, the rapid succession of officers appointed to the command.—The noble viscount then adverted to the conduct of Mr. Frere, whose influence on sir John Moore alone induced that gallant general to make the fatal movement he did. Mr. Frere appeared to possess ardour without judgment, and his majesty's ministers seemed to approve his measures; measures which compelled sir John Moore to retire with haste, when he had no secure place of retreat, and to seal a life of honour with a death of glory. He agreed with the noble lord who spoke last but one, as to the propriety of supporting the cause of Spain, while there was the least chance of success, and would on all occasions mark his abhorrence of the atrocious conduct of Buonaparté. He concluded by observing, that, while he gave his majesty's ministers credit for zeal and sincerity in the Spanish cause, it had been deplorably mismanaged, and yet he confidently trusted was not to be despaired of.

Lord *Mulgrave* said, that the opinions given by noble lords, upon the proper mode of conducting the operations in Spain and Portugal, were so various, that had they been in power, they must have found a difficulty in laying down a plan of operations. One noble lord approved of the troops going to Portugal; another would have had them at the Pyrenees; while another recommended the co-operation of flying squadrons. A noble lord would have had them placed between the Pyrenees and the French army! But he was at a loss to know, how they were to maintain themselves against the force of Buonaparté? O! they were to form a chain of 20,000 men across the Pyrenees, and completely shut them up. This reminded him of a story of a Chemist who had discovered the means to destroy Rattle-snakes, but it unfortunately happened, that the first article to make his recipe was a Rattle-snake, and the difficulty was how to procure one for the purpose; so with the Pyrenees, it was no doubt desirable to shut them up, but the difficulty was in doing it.—They must first be taken possession of, before the French could be prevented from passing through. The Spaniards desired artillery, arms,

ammunition, and money; they did not want men. Sir Arthur Wellesley was to call at Spain; he did so; when he was desired to expel the French from Portugal, which would be the most desirable object. He differed in opinion with the noble viscount, that Spain should be the last place in the world to which troops should be sent. Spain was once great in arms, but she had ceased to be so, since her connection with France, and was no longer a military nation; hence arose the necessity of sending a British force to her assistance.—He did not conceive it necessary to vindicate the propriety of the expedition to Portugal; a more brilliant three weeks could not be found in military annals; he would not therefore detain the house by entering upon it. As to the Convention of Cintra, it did not originate with his majesty's ministers, neither did they approve it, as might be gathered from what had been said by them in that house. The noble lord then vindicated ministers from any blame in carrying on the operations in Spain. With respect to what had been said of the conduct of Mr. Frere, he did not think a general like the late sir John Moore would regulate his movements by the instructions he might receive from a man in the situation of Mr. Frere. The gallant general's letters afforded ample proof of the contrary. The blood that had been spilt, and the lives which had been lost, were not to be charged to ministers, as they resulted from operations which were not of their contrivance, and which, had they been of their contrivance, would not have disgraced them. He hoped he had shewn that his majesty's ministers were not so reprehensible as they had been represented; he contended that they had shewn no want of sound discretion, or political wisdom, and trusted that they would not lose the confidence of their lordships or of the country.

Lord *Erskine* rose, and said, God forbid that he should wish to pass censure on any set of men, if they had not justly deserved it! If his majesty's ministers plans had been overpowered by any unforseen circumstances, he would have come forward as their advocate; but they acted without system, and ran head foremost into every thing that was wrong; by which means every thing they undertook was defeated, and at the end they would be lost themselves; that loss would be but trifling, compared with the lives of 35,000 men they had endangered. He was of opinion that it would have been better for the service of the country, had the men who lost their lives in the late campaign been shot in St. James's Park. The men who were sent to Spain were sent there to be massacred, without any prospect of their being able to do any good. Mr. Frere said in one of his letters, that if they had been sent out to injure the Spanish cause in every respect, with the single exception of not firing on the Spanish troops, they could not more effectually accomplish it, than by their retreat. He was of opinion Mr. Frere alluded to the miseries entailed on that unhappy country by our sending an army thither only to retreat before a superior army, pillaging the helpless inhabitants on the way. Either general Moore must have been culpable, or those, who placed him in such a situation that he could do nothing but afflict the inhabitants, must be so. They had sent no troops when they might have been of service; but when the opportunity of assisting the Spaniards was lost, they had devoted a body of men, than which a finer never left this country, to be immolated in the heart of Spain. Had an efficient force been sent in time to co-operate with the Patriots, their armies would not have been dispersed, (as they were,) like chaff before the wind; it would probably have given them discipline and stability, and perhaps have enabled them to defeat their invaders. Though requisitions for cavalry had been made by the Spanish government, no adequate supply had been afforded them; no forces had been sent to their assistance, while there was an opportunity of their coping with the enemy to advantage. But when the French were reinforced, and were 113,000 strong; when the ardour of the Spaniards, damped by misfortune, had wholly subsided; British soldiers had been sent to fly and to fall before the common enemy. As men he respected those in the administration, but as ministers he accused them of an improvident waste of the resources of the country; and thought them guilty of the death of every British soldier who had fallen in Spain.—There was one circumstance which had escaped his noble friend, namely, that the greater part of the communications from sir D. Baird had been suppressed; he knew it, he could prove it at the bar of the house, that sir D. Baird wrote to his majesty's ministers an account of the apathy and want of spirit amongst

the Spaniards, and they had received the communication when they were pressing sir John Moore to advance. He concluded by observing, that he considered the Battle of Corunna a victory: as for the great, the brave, the valiant, and heroic Moore, who died, to use the words of a great English author—

"In joys of conquest, he resign'd his breath,
"And fill'd with England's glory, smil'd in death!"

The Earl of *Westmoreland* thought the noble lord who brought forward the motion and those who had followed him, had been pretty liberal in their censures on government. According to them, ministers were wholly unfit to hold their places; he did not doubt but they knew of persons who, in their opinion, might be substituted with great advantage. He thought at that late hour it was unnecessary for him to consider what precise line of conduct England ought to have pursued; but this he would say, that honour, justice, and, above all, policy, called upon her to support the Spanish cause by every means in her power. The noble lord opposite, he said, shaped his conduct like most prophets, in order to fulfil his ends. Was it, he would ask of the noble lord, a measure of disgrace to free ourselves from a troublesome and dangerous blockade, and to restore to the people of Portugal the possession of their native land? Upon the whole, he received the noble lord's animadversions on this head as a compliment which merited his thanks. He would beg leave, however, to say, that the brilliant expedition to Alexandria or Constantinople, was never considered by the noble lords opposite as matter of disgrace. In fact, they gave themselves always that liberal latitude which they withheld from others. The noble earl concluded by giving his negative to the motion.

Lord *Grenville*, in a very eloquent and able speech, animadverted upon the impropriety of the noble lord who had preceded, having made use of sarcasms upon such a serious occasion. He then entered into a critical examination of the two expeditions to Portugal and Spain, and enlarged considerably upon the inconsiderateness of ministers sending out troops so badly equipped and so ill provided with cavalry. He also threw out many reflections upon ministers for having allowed Mr. Frere to interfere with the military operations of sir J. Moore, owing to whose superior judgment our army had been prevented from falling into the hands of the enemy. Above all, he thought that ministers were reprehensible for endeavouring to throw the blame off themselves, and transferring it upon sir John Moore, who could not now appear to speak in his own justification. He hoped that such conduct would not lessen the ardour and zeal of the army, on which the salvation of the country so greatly depended. Upon these grounds he should vote for a motion that attributed to ministers the loss of seven thousand men, the loss of sir John Moore, eight millions of money, and created the addition of half a million of money to the burdens of the country, and above all disgrace to our councils and our national character.

Earl *Grosvenor* spoke a few words in favour of the motion.

Their lordships then divided.

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Adjourned at half past seven o'clock on Saturday morning.

List of the Minority.

Dukes.	Cassilis
Gloucester	Guilford
Norfolk	Eglington
Somerset	Thanet
Devonshire	Carlisle
Grafton	Besborough
St. Alban's	Darnley
Bedford	Suffolk
Argyll	Fortescue
Marquisses.	Darlington
Buckingham	Cowper
Stafford	Jersey
Headfort	Albemarle
Blandford	Lucan
Bute	Bristol
Douglas	Hardwicke
Townshend	Upper Ossory
Earls.	Breadalbane
Spencer	Cholmondeley
Essex	Shaftesbury
Donoughmore	Grosvenor
Rosslyn	Lauderdale
Derby	Carysfort
Fitzwilliam	Viscounts.
Moira	Sidmouth
St. Vincent	Hereford
Carnarvon	Clifden
Tankerville	Duncan
Stanhope	Anson
Buckinghamshire	Bulkeley
Selkirk	Bolingbroke
Grey	Lords.
Charlemont	Erskine

Ellenborough	Yarborough
Say and Sele	Lilford
De Clifford	Cawdor
St. John	Somers
King	Crewe
Braybrooke	Ponsonby
Ashburton	Carrington
Stawell	Monson
Auckland	Montford
Glastonbury	Hawke
Foley	Grantley
Southampton	Bishops.
Hutchinson	Oxford
De Dunstanville	Lincoln
Grenville	St. Asaph
Dundas	Gloucester

HOUSE OF LORDS.

Monday, April 24.

[Mr. Frere.] Earl *Darnley* wished to know from the noble Secretary of State, whether it was the intention of ministers to recal Mr. Frere. He had heard that there was such an intention, and if so he should be satisfied; but if not, he considered the conduct of Mr. Frere to have been so improper towards sir John Moore, that he should feel it his duty to call the attention of their lordships to the subject. He could not, however, at present name any day, nor could he state the precise terms of his motion.

The Earl of *Liverpool* said, he was ready to vouch for the zeal and ability of Mr. Frere, and was convinced his intentions were good, but he had said on a former occasion, and was now of opinion, as were also his colleagues, that Mr. Frere had, so far as related to the circumstance mentioned respecting sir John Moore, adopted an improper mode of carrying his intentions into effect. Whilst upon his legs, he wished to set himself right with respect to a misrepresentation that had gone abroad, of what he had said on Friday respecting the amount of British cavalry in Portugal, on the 22d of August, during the negociation of the Armistice. He was stated to have said, that the number of our cavalry on that day in Portugal exceeded that of the French, whereas what he meant to state was, that it was known to sir Harry Burrard, that a considerable reinforcement of cavalry was on its passage. It had in point of fact arrived at that time in Mondego Bay, but that could not be known at the period of the negociation, the knowledge, however, of its being on its way thither ought to have had great influence in the negociation.

The Earl of *Suffolk* called the attention of their lordships to the circumstance of several horses being killed during the retreat in Spain, in consequence of there being no shoes for them.

Earl *Grosvenor* stated, that a misrepresentation had gone abroad of what he had said respecting general Anstruther, who, he was stated to have said, had died for want of nourishment. On the contrary, that officer experienced every possible attention from his staff, and from those around him. Whilst upon this subject, however, he wished to throw out for their lordships' consideration the propriety of relaxing a little the strictness of their orders, as the best way of preventing misrepresentation.

HOUSE OF COMMONS.

Monday, April 24.

[Breach of Privilege.] Sir *Charles Hamilton* moved, that Daniel Butler, who had been committed to Newgate for a Breach of Privilege, in arresting him (sir C. Hamilton), should be brought to the bar to be discharged.—Daniel Butler was then called in, and the Speaker addressed him as follows:—

"Daniel Butler; You, an Officer of the Sheriff of Middlesex, having presumed to arrest a Member of this House, have been adjudged to be guilty of a high breach of the Privileges of this House, and for that offence have been committed to his majesty's gaol of Newgate.—Persons of your description, armed with the process of the law to restrain the civil liberty of the subject, are specially called upon to use the utmost lenity which may be consistent with the necessary and faithful discharge of their duty.—Warned however, in the present instance, of the mistake under which you were acting, you nevertheless, in defiance of that warning, persisted, and added insult to outrage. Such conduct might well have warranted a longer duration of your imprisonment. But this House, perceiving by your Petition that you are now brought to a just sense of your past misbehaviour, is content to accept this proof of your submission and repentance, and sends you forth an example at once of its justice and mercy.—It has ordered, therefore, that you be now discharged; and you are discharged accordingly; paying your fees."

Daniel Butler was immediately discharged; and the address of the Speaker was ordered to be entered on the Journals.

[Petition of Mr. Henry White.] Mr. *Whitbread* presented a Petition from Mr. Henry White, Proprietor of a Sunday Newspaper, called "The Independent Whig," a Prisoner in Dorchester gaol, for a libel. The Petition, he observed, complained of grievances sustained in the course of the trial and afterwards in the gaol. The Petition was brought up and read by the clerk as follows:

"The Petition of Henry White, citizen and stationer; Sheweth, That your Petitioner is the sole proprietor of the Independent Whig newspaper, which, from its first commencement, has been, and still is, printed at No. 23, in Warwick-square, within the said city of London: and that your Petitioner is now a prisoner in the county gaol of the county of Dorset, in pursuance of the Sentence of the Court of Pleas, held before the king himself at Westminster, (usually called the court of King's Bench) which sentence was pronounced at Westminster, a place not within the said city of London, contrary to the rights and privileges of the citizens of the said city.

"Your Petitioner published in his said newspaper in Warwick-square, within the said city, in the months of December, 1807, and January, 1808, certain Letters, signed "T. C." "Humanitas," "A Sea-"man," and "Junius," for which publications criminal informations were filed, *ex officio*, against your Petitioner by the king's attorney-general, in Hilary term, 1808, at Westminster, a place without the said city of London, although a Grand Jury of the citizens of the said city was sitting at the very time within the said city; in which informations, it was alledged that the above named publications were scandalous and malicious libels, though the said publications were not alledged to be in any particular false or untrue. Now it is not only the privilege of the citizens of the said city, but the acknowledged right of every subject of the British empire who is accused of crimes and misdemeanors, to have an indictment preferred before the best men of his county, who are to determine whether there be sufficient cause to put him on his trial; but, as a Grand Jury is not always sitting, and as danger might arise to the state in some cases from the delay of assembling a Grand Jury, the practice of filing a criminal information before the king at Westminster has been tacitly conceded to the Attorney-General of the crown, at such times as no Grand Jury shall be assembled; but it has never been contended that the subject should be deprived of the privilege of having his case submitted to a Grand Jury of his county, before he be put upon his trial, except where pernicious consequences to the state would arise from the delay of calling together such Jury; but this could not obtain in the case of your Petitioner, because a Grand Jury of his county, namely, of the city of London, were actually sitting at the very time the criminal informations were filed against him at Westminster.

"Your Petitioner humbly craves leave to remind your honourable house that it was not even alledged in the said criminal informations that the matter which gave rise to them was false or untrue, though the matter was alledged to be scandalous and malicious, and that it was the usage of the court of King's Bench, till within the last forty years, not to permit any information to be filed for libellous matter, which was not alledged to be false as well as malicious, and indeed the most recent determination on the subject coincides with the opinions uniformly maintained by our ancestors; for, in the case of sir John Carr, and Hood and Sharpe, the plaintiff did not recover in action for a publication which was true, though admitted to be malicious and injurious.

"Your Petitioner having had a criminal information filed against him, of the nature, and under the circumstances above stated, the Solicitor for the crown moved for a Special Jury, to which motion the judges of the court of King's Bench acceded, and a Special Jury was awarded of such freeholders who were entered in the freeholders' Book belonging to the Sheriff, with the addition of Freeholder and Merchant, which Special Jury was struck, not by the Sheriff, but by the Master of the Crown-Office, who is a servant of the crown,—the prosecutor in this instance;—and the names were not taken as named by the said Master, but several were passed over after he had named them, because he stated them to be not likely to attend, thereby subverting one of the principles of British justice, which directs that a Jury shall be impartially selected, and attendance enforced by fines of the court; and, indeed, the Master of the Crown-Office might prevent all impartial persons from being summoned on a Jury destined to try between the crown and the subject, if every name be passed over which he

determines to be a person not likely to attend. And this conduct of the Returning Officer is conceived to be strong presumptive evidence that he knows the characters of the persons to be summoned, and has the power of acting with partiality, which power is contrary to the constitution of these realms, and is strongly guarded against by the laws, in cases where no attempts are made to take the trial out of the common course of justice; for, the Under-Sheriff (who summons Juries) cannot continue in office longer than one year, nor be re-chosen till after an interval of two years, lest, from his familiarity with office, he may be enabled to select a partial Jury.

"Your Petitioner also reminds this honourable house, that, by a statute of the 7th and 8th year of king William 3, (ch. 32), it is enacted, that "every summons of any person qualified to any of the aforesaid services, (namely, serving on Juries), shall be made by the sheriff, his officer, or lawful deputy, six days before, at the least;" but in the case of your Petitioner, the summonses to the Jury were not delivered six days before the day of trial, nor five days before, nor four days before; from which cause your Petitioner was not able to avail himself of a trial before a Special Jury, contrary to the rights of the subject and the law of the land; and this circumstance of not summoning the Jury six days before the trial, contrary to the positive and explicit enactments of the law of the land, has prevented your Petitioner from being tried by a Jury of such men as had been assigned him as his peers.

"Your Petitioner was not tried by a Jury of his peers; for, as the court of King's Bench had ruled that a Jury of freeholders and merchants were his peers, it necessarily follows that those who were neither freeholders nor merchants could not be his peers; and yet those who were added to the Special Jury were neither freeholders nor merchants, and therefore were not his peers:—and of a Jury composed of men who were all of them neither peers of your Petitioner, nor peers among themselves, a verdict was given.

"Your Petitioner also craves the attention of this honourable house, to the words used by sir Nash Grose on the trial, in his charge to the Jury, which your Petitioner humbly presumes to have been a deviation from the spirit of the constitution, which enjoins lenity and impartiality to form the basis of the conduct of every British Judge, to have been also inimical to the letter and fair interpretation of the Act of Parliament entitled, "An Act to remove doubts respecting the functions of Juries in cases of Libel," which Act directs, that "on every such trial, the Court or judge before whom such indictment or information shall be tried, shall, according to his or their discretion, give their or his opinion and directions to the Jury in the matter in issue between the king and the defendant or defendants, in like manner as in all other criminal cases."—Your Petitioner therefore prays to submit, for the decision of this honourable house, the propriety or impropriety of the following words, as used by sir Nash Grose on this occasion, and which instead of delivering an opinion or direction, "as in all other criminal cases," are conceived by your Petitioner to be unprecedented in the annals of modern British jurisprudence. The words that your Petitioner complains of, and which were taken down at the time by Mr. Farquharson, the short-hand writer, are as follows:—"In order to shew that they are most wicked, gross, and abominable Libels, it is only necessary to read, not all, but one or two of them. But, gentlemen, under this Act of Parliament, I am to give you my opinion upon these publications, and I have no hesitation in saying that any thing more libellous I never heard read: in my opinion they are gross, scandalous, and abominable Libels!"

"Your Petitioner humbly submits to the benignity of this honourable house, whether these words ought not to have been considered, in strict impartiality, as sufficiently strong, in giving the opinion and direction of the Judge as warranted by the Act of Parliament above alluded to, without the addition of the following unprecedented expression:—"But, really, gentlemen, I think it will be throwing dust in your eyes if I say I entertain the least doubt on the subject."—Your Petitioner humbly submits, whether an opinion and direction of the Judge thus given, and that without having read a tittle of the Libels in question, or the defence that had been urged to the Jury, comes within the meaning either of the letter of the law, or the spirit of the British constitution. And the necessity of a Jury being peers among themselves as well as peers to the defendant, has been ever recognized and insisted upon by the British constitution,

because, otherwise, the master and the servant, the creditor and the debtor, the employer and employed, might be inclosed in the same Jury box, in which case it would imply an absurdity to assert that such Jury were peers among themselves; for, the same individuals could not at the same time be both dependants and equals; and, if a Jury be not peers among themselves, they cannot all be peers to the defendant, and their verdict may not be a free and unbiassed verdict.

"And forasmuch as it is enacted by the Bill of Rights that "Jurors ought to be duly empannelled and returned;" and as no Juror can be duly returned who is not summoned six days at least before the day of trial, the Jurors summoned not four days before the trial of your Petitioner, were not duly returned.

"And forasmuch as it is the privilege of the citizens of the city of London to be tried and adjudged within the said city, though your Petitioner has been tried (if the issue committed to a Jury not duly impannelled and returned can be called a trial), yet he has not been adjudged within the said city, contrary to the privileges of the citizens of the said city, and, therefore, such judgment being contrary to these privileges, is contrary to the law of the land, which has confirmed and established them.

"And forasmuch as your Petitioner, if adjudged within the said city, could only have been adjudged to confinement within the prisons of the Sheriffs of the said city and county of Middlesex, it follows that a judgment which implies banishment from the said city, as well as confinement, is contrary to the lawful privileges of the citizens of the city, and when pronounced on a citizen in a place without the said city, for an alleged offence committed within the said city, is believed to be a violation of the law of the land, which acknowledges and confirms these privileges.

"Your Petitioner also humbly craves leave to observe that the measure of punishment assigned to him for the publication of the said Letters is equal to the measure of punishment assigned in any case where the libel was proved to be false, though the truth of the publications of your Petitioner has never been called in question.

"Your Petitioner also humbly states, that, when he was removed from the prison of the court of King's-Bench to the county gaol of Dorchester, he was consigned to the magistrates' custody, as will appear from an Order of Sessions, made at the Midsummer quarter sessions for the county of Dorset, respecting his treatment in confinement, though by the law of the land, he could only be committed to the Sheriffs' custody, (allowing for the sake of argument, that he might be imprisoned in a different county from that in which the offence was committed, and it is allowed for the sake of argument only). Now, the magistrates of any county have no jurisdiction except what is given them by statute, and no jurisdiction is given to them by statute over a person convicted of misdemeanor, who is, during his confinement, emphatically, a sheriff's prisoner. Your Petitioner, therefore, is placed by his sentence in a situation which the law knows not, and therefore he prays the consideration of his case may receive the attention of this honourable house, not on his personal account, but as his treatment may be drawn into a precedent inimical to the freedom and liberties of the subjects of these realms.

"That your Petitioner further submits to your honourable house some peculiar privations and hardships to which he has been subjected since his confinement in Dorchester gaol, which commenced on the evening of the 6th of July, 1808, and when your Petitioner was labouring under a very severe and afflicting state of illness, which had been proved to the Judges of the court of King's Bench by the affidavits of four most respectable medical gentlemen. That notwithstanding this infirm state of your Petitioner's health, he was denied, by the controlling magistrates of Dorchester prison, for the interval of more than three months, viz. from the 6th of July to the 15th of the ensuing October, all access to the open air, even to the taking ordinary exercise, unless your Petitioner would take the same in a small circular stone yard, which was allotted in common for prisoners who were sentenced for fines, such as smugglers and those who had evaded the excise laws, &c. &c. Your Petitioner's complaint being a long standing bilious disorder, attended with a complication of alarming symptoms, among which he was subject to an almost continued swimming in the head, and a partial stagnation of the circulation of the blood in his feet, he found, after trial, that the walking on the stones and the circular direction in which he was obliged to walk

aggravated his disorder to such an excess, that he was obliged to abandon the attempt; and, although he represented this frequently, by letter and otherwise, to the visiting magistrates, and intreated that he might be permitted to walk in the garden, as Mr. Gilbert Wakefield, Mr. Redhead Yorke, and all other prisoners in similar situations, had been permitted to do before him, this was refused him, until he partially obtained the indulgence, through the benevolent interposition of Mr. Calcraft, one of the magistrates for the county, and the representation being first made to him by the medical gentleman attending the prison, that he considered your Petitioner's being permitted to walk in the garden essential to the preservation of his health. In consequence of this interference and this representation, your Petitioner has, since the 15th of October last, been permitted to walk in the garden, in company of the gaoler of the prison, for the very limited space of one half an hour every day, and which limited indulgence your Petitioner's health has been such as almost to preclude him from availing himself of. Your Petitioner, therefore, humbly submits to this honourable house that such extreme coercion and restriction is not necessary for the secure confinement of your Petitioner, and is inconsistent with the benign spirit of the British constitution. Your Petitioner, in candor and justice, begs leave to state that he considers this restriction as being personally cruel towards him, because, since his confinement in the gaol of Dorchester, an unlimited indulgence in walking in the garden has been extended to a felon, by the partial courtesy of the magistrates, and your Petitioner having given no cause of complaint against the propriety of his conduct, to justify such restriction.

"In addition to this heavy grievance, your Petitioner begs to state that his family consists of a wife and two sons:—that, from the enjoyment of all personal intercourse with one of his sons, whose business confines him in London, he is wholly bereaved, by the great distance which separates them:—that his wife and his other son have taken lodgings at Dorchester, at an immense increased expence to your Petitioner, for the purpose of mitigating his calamity as much as possible by the comforts of their society; but hitherto they have only been admitted, by the order of the magistrates, alternately to visit him for three days in a week, and each day limited to eight hours, with the exception of your Petitioner's wife, for some weeks past, having been permitted to be with him on a Sunday, and during the night, in consequence of the medical gentleman attending him having given it as his opinion that it was indispensibly necessary, on account of the alarming state of your Petitioner's health.

"Your Petitioner trusts that this honourable house will liberally consider what a cruel aggravation this must be, merely arising from the local rules of the magistrates, and neither expressed in the sentence, nor warranted by the bill of rights; for, surely every father and husband must deem that imprisonment cruel which confines a man for three years, and allows him only twenty-four hours in each week to have intercourse with his wife and child. That your Petitioner has confined himself, in these instances, to a simple statement of facts, and commits the whole to the benignity, discretion, and wisdom, of your honourable house.

"Your Petitioner submits to the consideration of this honourable house, the extreme severity of the sentence passed upon him, as being contrary to the rights and liberties of every British subject in these realms, guaranteed to them by the Bill of Rights, which expressly says, "that excessive fines ought not to be imposed, nor cruel and unusual punishments inflicted," your Petitioner having already suffered, under a state of severe and dangerous illness, upwards of nine months imprisonment and banishment in Dorchester-Gaol, from his home, his business, and the County where he was tried, and which has already subjected him to a pecuniary expense of upwards of 500*l.*, and which, unless migitated by the interference of this honourable house, it is more than probable will prove fatal to the life of your Petitioner, and ruinous to his circumstances, and future welfare of his family.

"And your Petitioner most humbly craves that he may be permitted to prove the truth of his allegation before a Select Committee, or at the bar of your honourable house, and he prays such relief as in your wisdom shall seem meet.

Henry White."

Mr. *Whitbread* said, that he meant to do nothing more at present, than to move that the Petition do lie on the table. He could not of course pledge himself for the accuracy of the allegations, either as to the circumstances at the trial, or as to those which had taken place during the

confinement of the Petitioner. Yet as the Petition, though it contained some strong statements, was couched in terms respectful to the house, he thought it his duty as a member of parliament to present it. For what had been stated by his hon. friend (Mr. Calcraft) on a former occasion, when this subject was under consideration, he had the utmost respect. But at the same time, in justice to the feelings of the friends of that eminent scholar, Mr. Gilbert Wakefield, who was beloved and esteemed by all who knew him, he must state what they had said as to the accusation against Mr. Wakefield of having abused the indulgence granted him, by exciting sedition in the gaol. He could not of course, pledge himself for the correctness of their assertions: but he was informed by them, that no complaint had ever been made by the magistrates on that head.—With regard to the method of striking the Special Juries and other practices said to prevail in the courts, he could say nothing of his own knowledge. But he did understand that improper practices had prevailed, and that there was some danger that the error might be fallen into of rendering punishment so severe as to convert the person punished into an object of compassion. On the subject of the sentence passed on the Petitioner, however, he would say nothing at present, because the subject had been carried before the house of lords by a writ of error. It would be proper to wait for the issue of that proceeding, unless some unreasonable delay took place. But, with regard to the mode in which Special Juries were struck, he must advert to that point, without meaning to assert positively what he did not know of his own knowledge, and was not ready with proof to substantiate. He was informed that the master of the Crown Office might pass over any name that he pleased by saying that such persons would not attend, a practice which placed it in his power to appoint any Jury he chose. If that practice did actually prevail, it was a most incorrect one, and ought to be prevented. Another practice which he was given to understand actually prevailed, or had only lately been abolished, was, that in cases between the crown and the subject, the Jury if they found a verdict for the crown had two guineas, whereas if they found a verdict for the subject they had only one guinea. This was a most indecent and improper practice, which ought to be abolished if it existed; if it did not, the public ought to be satisfied of that fact. Another practice of which he was also informed was, that Jurors if they gave verdicts for the crown were summoned over and over again; but if they found for the subject they were never again summoned. Another practice, which he could only state from information, was, that the crown always paid double fees to the officers of the Court. If this was not true, it would of course be contradicted. But as the circumstance was at any rate believed by some, it ought to be stated, if only in order to be contradicted. He stated them besides because they might possibly, at some future period be the subject of a motion in reference to this business of Mr. White. If these things should turn out to be well founded, this would form the ground of a motion for referring the Petition to a committee; if there was really no grievance in the case, he should be content with allowing the Petition to lie on the table. There was another circumstance which he ought to have noticed before, the confinement in a distant gaol. This was a great aggravation of the sentence; and if it might be imposed at the discretion of the court formed a grievous hardship. Confinement for three years was at best a most heavy punishment; but when it was aggravated by sending the prisoner to a distant gaol, the punishment, in his opinion, became severe in the extreme; and it was certainly a subject which deserved the most serious attention of the house.

Mr. *Calcraft* said that he would take his full share in endeavouring to remedy any improper practices, whether confinement in distant gaols or any others, which should be proved to exist. But at present he only rose to do justice to himself and the magistrates of Dorchester, by giving a fair and candid statement of the circumstance which he had formerly mentioned relative to Mr. Gilbert Wakefield. He had been informed before, and had stated in the house, on the authority of most respectable men, that Mr. Gilbert Wakefield had made an improper use of the indulgence allowed, He had since inquired more particularly into the subject, and though he was as unwilling as any man to cast any imputation on the memory of that eminent scholar, or to hurt the feelings of his surviving relatives and friends, yet he must say that he had found that Mr. Wakefield made use of the indulgence shewn him to excite a spi-

rit of discontent among the other prisoners. The garden where he was permitted to walk was only separated from the space allotted to the other prisoners by a stockade, which did not prevent communication, and of this Mr. Wakefield had availed himself for the purpose mentioned. The present Petition was nothing more than a modification of what had been stated in the former petition. It now appeared that Mr. White was permitted to see his family for 48 hours in the week instead of 24, as formerly stated, and that his wife slept with him every night, at least was allowed to do so. He (Mr. C.) and the other magistrates, did all they could, compatible with their duty as magistrates, to give Mr. White all the comforts that could be enjoyed by a person in his situation, and he must say, that they had a right to expect some appearance of gratitude instead of complaints. There was not in the country a gaol more comfortable than that of Dorchester. The room which Mr. White occupied was better than those which were generally assigned to officers in barracks. Mr. Calcraft also stated, that the magistrates of Dorset considered it as a great grievance to have persons sent to the gaol from distant quarters. The gaol was not built for that purpose, and they were put to a great expence by this practice, and also rendered subjects of obloquy.

Mr. *Windham* knew nothing of this matter except from the allegations of the Petitioner himself. He agreed with his hon. friend, that if there was an unnecessary severity in the case, and if the practices to which he adverted did actually prevail, that these were proper subjects for the consideration of the house. But the allegations in the Petition, as far as he could follow them, (having however come into the house only when it was in the act of reading), amounted to no more than this, that a gaol was a gaol, and that punishment was punishment. He really always understood that confinement was punishment, and it appeared that this confinement was not unduly severe with regard to him. Mr. White said that walking in a circular space aggravated his disorder; but he saw no reason why Mr. White should not square the circle if he pleased. But how came it that all Mr. White's complaints about this confinement related solely to himself. Others were in as bad a situation as he was, and if there was any improper severity, the remedy ought to apply to the whole. Mr. White appeared to treat in the most contumelious stile, those who were confined in the same goal, for breaches of the revenue laws, for nonpayment of fines, and perhaps for debt; thinking that he was very hardly dealt by in being put upon a level with such persons. Yet, while he indulged in these aristocratical feelings, it was to be recollected, that he was confined for a crime, of which he was at present to be presumed guilty; for a crime too, which might possibly be of a most atrocious nature, while some of the debtors confined in the same gaol might be not only innocent, but meritorious persons, who had been ruined by the failures of others. It was curious to observe this sort of feeling breaking out in an advocate for liberty and equality, and he confessed, that his democratical blood, of which he hoped he had a proper share, began to boil with indignation to hear Mr. White complain so much of his own case, while he appeared to regard with so much indifference the situation of those who, as far as the house knew at present, had so much more reason to complain, provided there was any ground of complaint at all. This was the state of the case, even on Mr. White's own shewing, when viewed comparatively. But what was it absolutely?—It appeared that he was permitted to walk half an hour a day in the garden, accompanied by the gaoler. Could the gaoler spare half an hour a day to give the same indulgence to the other prisoners? Mr. White, too, had the society of his wife and family during a considerable part of the week, and seemed, in every respect, to enjoy greater privileges than were enjoyed by his fellow-prisoners. Instead, however, of being grateful for this, he only indulged in complaints against his benefactors. If there were any ground of complaint at all, it was that he himself was treated with more indulgence than, in justice to others, he ought to be; and, if there was any reason to find fault with the magistrates, it was that they did for him what they could not do for others.

The *Attorney General* observed, that if the subject should be again brought forward, justice would be done to the officers of the courts. The hon. gent. (Mr. Whitbread) had stated certain practices, which, if they had existed, would unquestionably have deserved the severest censure. But on these points his hon. friend had been very much misinformed. He said, that he had been informed, that when a jury

found a verdict for the crown they received two guineas; and only one guinea when they found a verdict for the subject. This, certainly, would have merited the severest reprehension. But the person who told him of the practice must have known that it did not now exist. It had prevailed once in the Exchequer; but it had been discontinued almost before his memory. This the person who gave him the information must have known, for the same means that brought its previous existence to his knowledge, must have shown him that it did not exist now. His hon. friend (Mr. Whitbread) must have asked the person who gave him the information, whether it now existed. His hon. friend must have said, that such things were not to be lightly stated before the house of commons; and that before he stated them he must be well assured of the facts. He was satisfied his hon. friend thought these practices did exist, otherwise he would not have stated them; but he must say, that he had been peculiarly ill informed. It was enough for him, however, to state, that the practice did not exist now; and his worthy friend who preceded him in his office, would, he believed, be ready to say, that it had not existed in his time. He made these observations because he should be sorry that such a statement as this should pass uncontradicted. His hon. friend also said, that when jurors gave verdicts against the crown, they were always struck out of the list, and never summoned again. He did not strike juries, and therefore could not speak on the subject of his own knowledge, but he firmly believed that the practice did not exist, and that no officer of the court dared do it without risking the loss of his place. He was anxious that the house should be convinced that his hon. friend had been imposed upon.

Mr. *Whitbread* said that the Attorney-General had misrepresented him. He had stated that the practice of giving two guineas to Jurors who gave a verdict for the crown, either existed at present or had only been lately discontinued. This was his information, and it appeared to be correct, for the practice had existed; and the learned gent. had admitted that it was a gross abuse. He did not say that Jurors who gave verdicts against the crown had been struck off the list; he had only said that it so happened that they were never summoned again; and the learned gent. upon inquiry might find that statement to be correct.

Mr. *Maryatt* said that he had given verdicts against the crown, but that he had been constantly summoned.

Mr. *Ashley Cooper* was sorry to hurt the feelings of the relatives of Mr. Gilbert Wakefield, but in justice to the magistrates of Dorset he must say, that he had abused the indulgence which he had met with in the manner stated. He then read a letter from one of the magistrates confirming this statement, and also stating that Mr. White had been asked before the commencement of the session, whether he had any reason to complain? to which he had replied, "None whatever."

Sir *Francis Burdett* observed, that this was one of the most important cases which had ever come before the house. The Attorney General had admitted that the practice of giving two guineas to the Jurors when they found for the crown, once existed, and had only lately been left off; but he was sorry that he had not adverted to the other practices which the hon. gent. opposite had stated. He was surprised that he had passed over the great question as to the right of the executive to transport its subjects to any part of its dominions at its own discretion. He should have expected that he would not have passed over this. He thought, indeed, that this point had been settled at the Revolution; and he regretted that he had heard no opinion on the subject from him. He had also passed over another most important point; the allegation that Special Juries were struck at the discretion of the Crown Office. The *ex officio* informations of the Attorney General he considered as not more dangerous to the liberty of the subject, than the giving two guineas instead of one to those jurors who found for the crown. Here, in the case of libel, for instance, we found the crown appointing accuser, judge and jury! Into the great constitutional point of sending subjects to distant gaols, he would not now enter, as it was to be discussed in another place. But he could not help adverting to the extreme hardship of this practice, which totally altered the sentence of the law. He agreed that an imprisonment of three years was almost an unprecedented thing of late. The hon. baronet then remarked with regard to what had fallen from the right hon. gent. below (Mr. Windham), that Mr. White had only been convicted of a misdemeanour, which, though certainly a crime, had always been distinguished from felony. Mr. White, there-

fore, might have reason to think that he ought to be less strictly confined than some others.—There was another consideration which had entirely escaped the right hon. gent., and that was, that the other prisoners belonged to the county, and in that respect were less hardly dealt by than Mr. White. The hon. baronet next observed, that it would be in the power of the crown to ruin any particular county by sending thither all the prisoners of the nation. He would venture to say that this was not law, and he was glad that the subject had been brought forward by a gentleman who he was sure would do it justice.

The *Attorney General* in explanation said, that Mr. White had not been sent to Dorchester, merely by the discretionary power of the executive government; but that this formed part of the sentence of the court. He stated, that the reason for his not averting to the other abuses mentioned by the hon. gent. (Mr. Whitbread), was, that these were to come forward at some future period. He had only adverted at present to the practices which had been stated upon grounds not arising out of the Petition.

The *Chancellor of the Exchequer* remarked, that all arguments of the hon. baronet were founded on the misconception that the prisoner White had been sent to Dorchester by the executive government; whereas, the fact was, as had been stated by his learned friend, that this formed part of the sentence of the court. When the hon. gent. (Mr. Whitbread) made a statement, in justice, as he said, to the relatives and friends of Mr. Wakefield, he ought to have recollected that justice was also due to the magistrate.—The right hon. gent. observed, that before the complaints in the Petition were taken up by the house, it would be proper, if not necessary, to shew that the individual had resorted to the ordinary means of procuring redress. If the house encouraged this practice of petitioning, without its being shewn that other means of redress had been attempted in vain, it might be made a vehicle of slander. The words of a Judge, giving his opinion in the manner prescribed by an act of parliament, had been complained of, because that opinion was, that the libel was the grossest that had ever been published. And supposing it was so—for so it ought to be taken at present—the house ought not readily to give way to these false accusations. He would, however, not oppose the laying the Petition on the table; though he hoped it would form no ground for any subsequent proceeding.

Sir *Francis Burdett* in explanation, said, that he had not spoken under a misconception. He knew that the sending the individual to Dorchester constituted part of the sentence of the court; but the government having the power of appointing accuser, judge, and jury, any accused person was, in effect, placed at its discretion. These sentences were not, indeed, unprecedented, but they were new since the Revolution.

Sir *James Graham* affirmed, that the most respectable freeholders were always summoned for Juries.

The Petition was then ordered to lie on the table.

Mr. *Whitbread* said he had another Petition from John Harriot Hart, a person confined in Gloucester gaol for the same offence, and who was tried at the same time as Mr. White, as the Printer and Publisher of the Independent Whig. There were two circumstances mentioned in this Petition, which appeared to him to be very severe, and somewhat extraordinary. He complained, that he was prevented from using any fermented liquors. This he thought very hard, for, in many instances, such liquors were deemed absolutely necessary for the preservation of a man's health, and therefore the indiscriminate and total denial of them seemed very harsh. Another complaint was, that all letters and papers sent to him were subject to inspection. This was very different treatment, and much more severe than that of Mr. White, and he was surprised it was permitted, as justice seemed to say decidedly, that for the same offence there should be the same measure of punishment. He would not say whether he should bring forward any motion on the subject till the question in the house of lords was determined; but he hoped that in the mean time those who had it in their power would take care that justice should be fairly dispensed. In allusion to what had fallen from an hon. friend of his on the other side of the house, that he was surprised he would present a petition from persons who were of that description, viz. libellers, his answer to this was, he thought that a strong reason why he should bring it up; for obnoxious persons were generally those seized on by the executive government, and were the means by which such proceedings creep

into practice, and which might afterwards become detrimental and injurious to the subjects in the general.—

The Petition was ordered to lie on the table.

[Offices in Reversion Bill.] Lord *Porchester* requested the attention of the house to the few observations he had to submit to their consideration, previous to his bringing forward the motion of which he had given notice. The Bill which it was his intention to move for leave to bring in, was, word for word, the same as that which had already twice passed that house, but which had as often been rejected by the house of lords, on the ground of its being desirable that the business should be further considered. This question had already received the most ample investigation and discussion. The measure, his lordship observed, which he recommended was no object originating in his own legislative views, it grew out of two Reports of that house, and was the first practical act recommended for adoption by two successive committees appointed by that house. In that house it had been on former occasions received without a dissentient voice; even the king's ministers did not feel it either justifiable or politic to interfere with it in its passage through that house. But an opposition formidable in its means and persevering in its hostility appeared in another branch of the legislature, and was for a time successful, not only against the unanimous feeling of that house, but also against the general and expressive voice of the country. The principle of the measure, after some modifications, had however at length passed that house, meeting in its progress considerable opposition in a quarter were one should suppose every duty to the country and every regard to personal dignity forbade intrusion. The opposition that was there exerted, was a question of no easy solution, but the protest which was subsequently affixed upon the Journals of that house, held no inconsiderable rank amongst the follies of princes either of past or present times. For that extraordinary record of human ingenuity he could not assign any rational motive, and for that best of all reasons that no rational cause was assignable. Every man who venerated the throne and loved the constitution, saw with pain the names affixed to that protest (alluding to the signatures of the Dukes of York, Cumberland and Cambridge to the protest against the present Reversion Act). That feeling, however painful, was considerably alleviated by the consideration that the prince nearest to the throne, and first in the public estimation and hopes, had too great a knowledge of the interests, and too strong an affection for the constitution of his country, to commit his character and his principles by giving his august signature to such a record. The nature of the Bill he meant to propose was perfectly well known to the house: for the value of it he would refer them to the third Report of the Committee of Finance. As to any objection that might be made to the bill, there was only one which he could anticipate, viz. that this was not a convenient time to bring forward such a measure. He was of a different opinion; he thought this was just the most convenient time that could be hit upon for the purpose, and that the least procrastination would be injurious to the interests of the public. The Chancellor of the Exchequer had just acknowledged there was no great pressure of business; but if there was, it was their duty to make time convenient when they had important duties to discharge, and he trusted they were now reassembled for the purpose of following up the most anxious wishes of the house and of the country. Delays were always injurious, and in the stormy times in which we lived every to-morrow brought its griefs and difficulties along with it; and if they suffered them to go on accumulating, they might grow too cumbrous to get rid of. He trusted the noble lord opposite (lord Castlereagh), from the experience he had in the business of reversionary grants, would afford the house some information; at least, the result of his frequent practice. He did not require from that noble lord to dive into the chronicles of Ireland. They were no old legends from which he wished his lordship to draw his stores. All that was wanted was of his own memory, contemporaneous with his own time, nay with his own official existence. It was for him to give the catalogue of the reversionary grants which beyond numbers he had given; grants of offices, not in reversion, but what ought to be better termed, in resurrection, which the noble lord had conferred upon successive generations to come, with the hope of atoning for the period during which the same offices lay dormant for generations that were past. The fate of his proposed Bill the noble lord (Porchester) said, was connected with the incipient progress of that temperate Reform, which the country

and the stormy period of this age demanded. It was for ministers to consider the course which they now intended to pursue; and he trusted they would not, at least on the present occasion, indulge themselves as heretofore, in the capacity of mutes. The house ought to feel its paramount duty; it should recollect that this was the first practical measure of Reform which Committees appointed by itself had most strenuously recommended. It should guard against that ministry, which since its accession to office had endeavoured to freeze up that general current of temperate Reform which their predecessors had set in motion. Whenever they should send this bill to the lords (and he hoped the house would decidedly determine to do so, as soon as it could with convenience be passed) he supposed they would be told that there was no necessity for it, as they had at this moment a suspension Bill, that prevented the disposal of places in reversion, till six weeks after the meeting of parliament in the next session. But this was a strong argument in favour of the bill being now brought in and passed, for if it was not carried in the course of the present session, six weeks would be too short a period, and the lords might take advantage of the circumstance, till the house had driven their lordships into a corner, as they had done before in the case of the Non-residence bill, when they might urge that as a reason for rejecting the bill; in which case, the Suspension Bill would expire, and many offices might be granted in reversion, which could not be abolished till after the death of the grantee, who was frequently an infant at the time of the grant. Six weeks was therefore too short a time to trust to; the Suspension Bill took eighteen weeks in passing through both houses, and it consequently behoved the house to do its duty in the present instance and take time by the forelock. They must speak plainly the truth. Princes had frowned on their undertaking, and when princes frowned, subjects were apt to tremble. Was it to be supposed that the house would by delay put them in better humour? Was it in that manner that Magna Charta had been obtained by our brave ancestors? Was it by waiting like needy supplicants at a minister's levee, that they were to expect to carry their point? No they must be strenuous, active, and determined, otherwise they would continue to fail as they had hitherto done. He was glad to see a full attendance of ministers; if they meant to oppose the bill, he hoped they would do it in a manly way. Let them not give sinister support and silent opposition. Let them not come with their amendments to instruct the house how to model their conduct and the bill, so as to render both agreeable to the lords. If advice they will give, let it be to princes to respect the proceedings of that house, and not to the house to study the means of pleasing princes. Let them seriously shew those princes, that the wealth and splendour with which they are invested, come from the liberality of the people, through the medium of that house; and that notwithstanding they are indeed the rich foliage of the Corinthian capital, yet the strength of it is in the shaft. When a prince took upon him to write to that house, there could remain but little doubt that he had met with those in that house who had been ready to aid him with advice on the occasion. Let them extend that advice where it was fully as much wanted, or they would not fulfil the duties of their station. If they faultered and wavered in so doing, they might shew they were ready "to ride on the whirlwind," but totally incapable of "directing the storm." The times were severe and scrutinizing. On this occasion, the conduct and character of the house was more at stake than at most other times. The present was a period in which measures were not of much weight, unless supported by character. It might, perhaps, be objected to the bill that it was a bill of selection; it was well known reversions were given to children, and, therefore, the offices to be abolished must be selected. Feeling this a part of a system to which the house had pledged itself, he was anxious to know if they would follow up their measure. Delay could only increase the difficulties; and the house should feel that it was a measure called for by the country with universal acclaim. He was the enemy to innovation when he called upon parliament to effect temperate reform. In doing so, he by no means acceded to the opinion, that the period in which he lived was amongst the worst times of the constitution. He, on the contrary, believed, that liberty and constitutional blessings were better felt by the present generation than by our ancestors. Theirs was the keenness of pursuit, ours the calmness of enjoyment. And it was therefore nothing but infatuation, that could urge princes at this moment to raise the warhoop of pre-

rogative; to doubt the constitutional attachment of that house to the executive, and to create general distrust throughout the empire. They ought to have been better lessoned; but his apprehension was that they were not apt scholars. The house was now called upon to decide a most important point. Having carried a measure of great political magnitude, which had been rejected by the lords merely on the ground of obtaining time for inquiry, as the lords had now the Report which afforded them the fullest information on the subject, it became the duty of that house, by passing the present Bill, to shew that they were as much and as feelingly alive to the public interests as when they first brought forward the measure. He would not therefore trespass further on their time, but moved, "That leave be given to bring in a Bill to prohibit the granting of Offices in Reversion, or for joint lives with benefit of survivorship."

The *Chancellor of the Exchequer* was surprized at the way in which the noble lord had chosen to magnify the present subject, as if the endeavour to carry it, were similar to the struggles of our ancestors for Magna Charta and the Bill of Rights; and as if it comprised within itself every thing vital to the constitution. For his part, he had never disguised his opinion of the bill. He could never see in it that importance which was attached to it by many; he did not perceive that it contained any serious attack on the prerogatives of the crown: and much less did he conceive that it comprehended any valuable acquisition to the privileges of the people, or would lead to any considerable alleviation of the public burdens. As an œconomical measure it was nothing, or rather it would prove probably injurious; for there were instances in which at present services were rewarded with reversions, which services, if the proposed bill were to become a law, must receive some immediate reward of perhaps greater value.—Having stated what had always been his opinion on the present measure, he should now mention what were his grounds for opposing the introduction of the bill at present. He objected to it principally, because the bill was not at present necessary. They had at this moment an act which would not expire till six weeks after the commencement of the next session of parliament. They were thus guarded against the granting of further reversions in the mean time, and, in the course of the next week, they would, pursuant to the notice of the hon. gent. opposite (Mr. Martin), have a Report under consideration, the effect of the discussion upon which would go to determine, whether any of these offices should be abolished? Under these circumstances, to discuss the bill at present, appeared to him inexpedient and premature. The instance of the Residence Bill was not in point. Had that bill not been passed before the expiration of the temporary measure, considerable evils would have ensued; but should a bill for abolishing reversions be introduced in the next session of parliament, and should it not reach the period of its passing into a law, before the expiration of the Suspension Act, could it for a moment be supposed that any minister would advise his majesty to grant a reversion under such circumstances, and thus to take advantage of the interval of a fortnight or three weeks, that might elapse, at a time when the attention of parliament would be so steadily directed towards the subject?—The noble lord had stated, that the constitution of this country was never more entire, nor more perfect, than at this moment. In this he concurred. Was it not fit, therefore, that we should look with jealousy to any plan by which it was proposed to improve it; and that if our constitution was now most perfect, we should beware of those specious arguments of reform, which might have the effect of causing us to lose what we at present so happily enjoyed? He only wished the house to pause. There would be sufficient time during the next session even to think of this bill, if it should be deemed necessary. Upon these grounds, therefore, he should feel himself in duty bound to oppose the motion of the noble lord.

Mr. *Bankes* said he had not entertained any intention of coming forward with this motion during the present session, because, from the general view which he took of the question, and the most mature consideration of all the circumstances, he thought it most wise to defer any further consideration of the subject, till the next session. However, though he had brought the existing bill into the house when it first originated, yet, aware as he was that when once brought in, it became public property, he could not help saying he wished the noble lord who had taken it up every success. If the noble lord entertained a different opinion of it, and of the policy of bringing

it forward at this time, he had undoubtedly done right in submitting his motion to the house. He had himself, in the last session, brought in his second measure, the Suspension Bill, not from choice but necessity; prudential reasons operating on his mind to press no further at that period the bill for restraining the prerogative. In this line of conduct he had been supported by the arguments of the Chancellor of the Exchequer; and in the Third Report, which had been since laid upon the table, the question had been moderately, coolly, and he hoped, constitutionally discussed. He had it not in his power to carry his wishes to their full extent, but he was glad to do as much good as he could, though he could not do all he wished. A temperate discussion of the bill, now that it was brought forward, was certainly most adviseable; and he, entertaining his former sentiments with respect to it, would of course give it his support, though he would much sooner it had not come at present under their consideration. He must do the Chancellor of the Exchequer the justice to say, that his opinions on the bill were uniformly the same, and that he never had expressed any sanguine hope of an economical result from it. In this point, however, he undoubtedly differed from him, and could not help thinking that much retrenchment with great public advantage might take place in many offices, such for instance as in those of Tellers of the Exchequer. He had been induced thus shortly to state his sentiments on the bill, in order to set the house right as to his views of it, and that they might see he was not actuated by any spirit of indifference on the occasion, nor could be induced to abandon a measure in which the good of the country was so deeply interested. He thought there was time enough for a full consideration of the bill in the six weeks which had been reserved for it in the next session, and much wished its discussion had been deferred to that period; but since it had been brought forward he would support it to the utmost.

Lord *H. Petty* observed, that after the great length at which the noble mover had gone into this question, it was not his intention to investigate its merits very largely. He could not help, however, remarking shortly upon the arguments of the Chancellor of the Exchequer, as they appeared to him to be very extraordinary. The right hon. gent. had began by remarking, that he did not think this bill likely to be attended with any economical effects. He would only ask him to appeal to the limited reforms of Mr. Pitt, of all the reformers in this country, and of all the ministers in Ireland, and he would see that the grand obstacle to all rational reform was this very Reversion system. Had it been in time abolished, they and the public would not now be pressed as they were by the multitude of places held in Reversion both here and in Ireland. The right hon. gent. had objected also in point of time to this bill. What was there then so very pressing between this session and the next to prevent its present discussion? He knew of nothing. The case would indeed have been altered, had it been a new measure unconsidered of, and never before the subject of discussion; but this, which had been repeatedly argued, and which had been even carried unanimously in that house, could surely now not need much time for deliberation. It could not need the reflection of a year to mature it. The right hon. the Chancellor of the Exchequer, had however even gone to his study for the purpose of objections, and had found out in his researches a notice of a motion on the Order Book. Now he could not anticipate what might be the matter or object of that motion, and so should not have made it the ground of an objection. For his part, he hoped, that motion would treat of many more subjects, and take a much more comprehensive scope, than that which the Reversion topic afforded. But even suppose it did treat of places in Reversion, how did that or could it militate against the present Bill?—Leaving these objections, if, indeed, they could be called objections, quite out of the way, there was one point which he should consider as conclusive on the subject, and that was the respect due to the house of lords; this was a Bill on which, although there existed but one opinion in the lower house, still in the upper one much difference was known to exist. Why not give them time, then, for full and mature deliberation? The importance of this Bill had even been attempted to be deprecated; and the right hon. gent. chose to denominate it a specious pretext of reform! When it was first brought forward, however, even he agreed to it, and of course if it was only a specious pretext of reform, he in supporting it aided its speciousness, and abandoned his duty.—He entertained a very different opinion of it, and therefore would give it his most hearty support; he would support it now,

too, because he respected the house of lords, and did not see the necessity of delay in the commons, where the minds of all were unanimous on the measure.

Mr. *Tierney* remarked strongly upon the silence of ministers, whose speeches were withheld, but whose opinions might be guessed at. One right hon. gent. alone delivered his sentiments on the measure, who pretended not to be unfriendly to it, but to object to it only on the point of time, while others opposed it in silence. He was of opinion, not only that the measure was in time, but that it was in strict parliamentary time. He was of course reduced to the necessity of stating his own opinions generally on the bill; answer objections he could not, for none had been made. One point, indeed, and one only had been made, and that was, as he had just stated, with respect to time; the six weeks of next session would, it was said, be sufficient for the discussion of the bill, and were purposely allowed for it. The six weeks were allowed for no such purpose; but they were allowed to guard the house against a strained exertion of the prerogative in proroguing parliament during the session, before the house had come to a decision on the subject.—It was said that we need not be in such a violent hurry now to render this bill perpetual, because, while the Suspension Act continued, no place in reversion could be granted. What! was he to be told this, when he knew that on this very Suspension Act passing, a minister had been bold enough to say, that he would not hesitate to advise his majesty to grant a place in reversion immediately, and that for no other reason than because such a bill had passed! (Hear! hear!) The lords had before objected to the bill. Did the Chancellor of the Exchequer know that the lords had changed their minds on the subject? If they had not, send the bill, then, to them in time, and let them deliberate fully upon it. Let the people see that Parliament was interested, as far as it could, to relieve their burthens. He was no advocate for giving way to popular clamour, but he would never advise any set of men to oppose right by way of showing that they would not succumb to public opinion. Would it not be a pretty thing to say to the people (by way of evincing spirit), "we have agreed on a measure for years; but now since we see you wish to have it carried, we will disagree to it, and there's your clamour for you!" He would ask the Chancellor of the Exchequer had he any measure to ground upon the Third Report? What! he has not; he would have it lie on the table a dead letter, and he would demand as a consequence of such conduct, the confidence of the people. —He was glad this Third Report had been made the subject of a motion on a future day, though he confessed he would wish that such a motion should have come from those in power, because their official authority would have given it more weight. He agreed that little good as to the reduction of taxes could be occasioned by this measure; but, at the same time, ministers by concurring in it, would shew an inclination to reduce the influence of the crown, and to produce economy where it could be produced. From the right hon. gentlemen opposite he expected nothing. One of them did not think the measure worth opposing, and the other two observed a strict silence. From the house, however, he had better expectations. He hoped they would recollect that during the last sessions they were unanimous, and would by their vote of that night shew that they were still willing to do something to gratify the wishes of the country.—Those in power, indeed, and the Chancellor of the Exchequer in particular, seemed to get bolder and bolder every day against Reform. Why? Because popular clamour, was raised in its favour perhaps. He would advise that right hon. gentleman and his colleagues to abandon such a course; he would seriously advise them not to treat too lightly the heat of the people. Why was the Chancellor of the Exchequer so strenuous against reform? Why did he not endeavour to retrench unnecessary expences, useless offices? A noble relation of his (lord Arden) held a situation, or indeed two situations, whereof the proceeds were 35,000*l.* a year, of which, for the collection, 23,000*l.* was expended, and in whose hands for the last seventeen years, an annual balance of 200,000*l.* remained. He would support the motion as tending to diminish the too great influence of the crown, and to reduce the unnecessary expenditure of the public money.

The *Chancellor of the Exchequer* explained as to the allusions which had been made to his noble relation's offices; the balance did not remain in his hands, it was lodged in the Bank.

Mr. *Whitbread* commented on the sur-

prising silence with which ministers were afflicted all of a sudden; it was one of their periodical fits. He remembered, indeed, one occasion on which a plain blunt man, telling a plain blunt story, produced a splendid tirade from the right hon. gent. opposite, (Mr. Canning), but now he seemed completely dumb; there was no getting a word from him. The Chancellor of the Exchequer had, indeed, condescended to give his opinion on the subject, and what had he said? Why, indeed, this bill would produce very little saving. For his part, he always looked with a jealous eye at such expressions. This bill might produce a little saving, that bill might produce a little, and the other bill produce a little, and all these little savings rise to something considerable. He was an advocate for a partial reform, but he would not go too far; much, however, was to be done before that could be objected. Many Reports on the table were yet to be considered, and those reports would, if properly attended to, prove a mine of wealth. Much saving might yet be effected by economy, "Magnum vectigal parsimonia" was an old and true saying. But this saving could not be effected, because the people thought it necessary! The Lord Chancellor had, it seems, said he would advise the king to grant an office in reversion, merely because the Suspension Bill was passed. Perhaps he would wish to give that advice in order that his royal master might fix upon him for the reversion (A laugh.) That noble lord was, it seems, a great reversionist himself, and on that account would not wish so good a thing should be abolished. The Chancellor of the Exchequer, too, deprecated the nomination of committees, "wide-wasting" committees, as they had been called; they did waste a little indeed; they wasted the Bank a little, and they wasted the East India Directors a little, and they were even powerful enough to waste the Dutch-Commissioners (A laugh). Oh! they were indeed "wide-wasting" Committees! He hoped ministers would be pleased to deliver their sentiments on the subject: their silence, indeed, reminded him of an old story which he once heard of the monkeys. The monkeys, it was said, could speak if they would, but they were too cunning, for they knew if they spoke they would be made to work; and just so the ministers chose to remain dumb, lest they might be employed.

Mr. Secretary *Canning* said, that he felt himself always at liberty to exercise his discretion as to the period of the debate in which he thought proper to rise. The vote he should now give was in exact conformity with that he had given before. With respect to the question of Reversions, he did not think it of such importance as the noble lord seemed to imagine; there was no need of passion on the occasion. It might be said against Reversions, that they put it out of his majesty's power to reward services, because they anticipated grants; but it might be urged on the other side, that they afforded a stimulant to the public man by the consideration that the reward of his labours would descend to his children; either side might be embraced without subjecting the advocate to the imputation of any unfair principle. Upon the whole, he thought that the arguments in favour of Reversions were better than those against them. The public feeling, he was aware, lay on the other side, and in balanced and doubtful cases, that consideration ought to decide them. If there was a difference between the two houses of parliament, that was not the moment to renew the difference; he would follow up his vote of the former night, by continuing to act on the suspension up to the time agreed to. With respect to the advice which the Lord Chancellor had been said to have stated, that he should feel no hesitation to give to his majesty, he could only say, that the whole story was new to him; he had never heard it before, and did not believe it. He hoped he had exculpated himself from the charge of inconsistency, or any inclination to avoid the discussion of the question.

Mr. *Ponsonby* ridiculed the idea of the measure now proposed having the effect of interfering with or obstructing the act of last session. It was the strongest mode of obstructing an act, to give it perpetual operation. He could by no means agree with those who thought the present measure one from which little advantage would be derived. It would both diminish the public expence, and also diminish the patronage of the minister of the day, by preventing him from pressing the future into his service, and confining him to what he had now, instead of extending his power over what might not be disposable for 40 or 50 years. But, if he could conceive the measure of little importance in itself, it had become of the highest importance in consequence of the circum-

stances which had attended it, and which went to affect the consideration which the popular part of the constitution should always carry along with it.

The question being loudly called for,

Lord *Porchester* rose to reply. He observed that the whole weight of the right hon. gent.'s argument rested upon the circumstance, that some public inconvenience might arise from the adoption of the measure. For his own part, he could not perceive any inconvenience that could be the result of the adoption of the measure, though he was firmly persuaded that great practical injury must result from procrastination respecting it. Why should the members of that house throw themselves upon the mercy of his majesty's ministers, or why should they defer the consideration of the measure in compliance with their views? The right hon. Secretary (Mr. Canning) had stated how nicely balanced his own opinion was on the subject, and that he wished to leave it to public opinion to decide; but it was somewhat extraordinary that the vote of that right hon. gent. was to be in opposition to the opinion of the public. But the right hon. gent. contended, that the course he pursued was founded upon the impression, that the contrary would be productive of danger to the safety of the public. His majesty's ministers, however, did not appear to him to meet the question fairly: they opposed it on the ground of inconvenience, but they passed by the interest which the public had in passing the measure. Upon the integrity of the house of commons was placed the surest hope and firmest reliance of the country. It had been said that this measure was not comparable to Magna Charta; but the principle of the bill was more compatible with the spirit of that instrument than the spirit of those who opposed it was compatible with that of those who supported Magna Charta. On the whole, therefore, he should persevere in his motion, and leave to the house to determine whether or not leave should be given to bring in the Bill.

A division then took place,

For the Motion - - - - - - -	106
Against it - - - - - - - - -	121
Majority against it - - - - -	—15

HOUSE OF COMMONS.

Tuesday, April 25.

[MOTION RESPECTING LORD CASTLEREAGH.] Lord *Archibald Hamilton* addressed the house as follows:—Sir, in rising for the purpose of making the motion of which I gave notice for this day, I apprehend it is unnecessary to preface it with any observations as to its importance. I shall merely pursue that which I conceive to be the mode of conduct most conformable to the forms of the house. It is inconsistent, I believe, with those forms for me to make at first any motion of censure upon any member of this house; the most regular course, being to move previously that the Evidence, upon which a charge is grounded, should be read, so that upon that evidence certain Resolutions may be grafted; and the same argument that may be used to induce the house to hear that evidence read, may also induce it to adopt the subsequent Resolutions. In the first place, then, I shall observe, that I have no personal hostility to the noble lord, nor any feeling against him in any other capacity than that of his official character and public conduct. If, therefore, in the course of what I shall submit to this house, I shall be unfortunate enough to use any expression which shall at all appear of a different character than that which I ascribe to it, I trust, I shall be as willing to retract it as any other hon. member can be inclined to disapprove it.—There is one, and only one, point which I have to offer with regard to myself, in taking upon me to bring this business before the house. It may be in the recollection of many, at least it is in the recollection of those who have taken any notice of my public conduct, that I have been in the habit of standing as forward as any other member in pursuing delinquency of this nature, and I should feel it not less inconsistent with the duty I owe to this house, than with the maintenance of that character which I hope I possess, if I were to overlook the facts disclosed in the Evidence taken before the East India Committee.* It will be remembered that some years ago, my utmost endeavours were not wanting to produce the detection of that guilt with which Alexander Davison was connected, and that two years ago I was not less assiduous in a similar pursuit. In that, as in all other instances, I hope it will be admitted, that I have followed the same course of hostility to corruption; that whatever was due to the honour of this house, and the support of

* The Report of the Committee will be found in the Appendix to the present volume.

my own character, has ever been the object of my study; and that I have never allowed my opinions to be biassed, nor my judgment to be controuled by the influence or conduct of any person or party whatever.—Coming, now, to the point immediately before you, nothing appears to me more necessary than that you should consider it fully, and decide upon it independently, if you desire to perform the first duty that belongs to your office. If you desire to preserve the respect of the public; how can you do so unless you preserve your own purity? In this enlightened country, no body of men will be respected unless it prove itself respectable. Like any other corporate assembly you cannot enjoy respect unless you deserve it; you cannot maintain your authority unless your character is held in good estimation. Not long since you sent two individuals from your bar to prison. If you expect that judgment to be regarded; if you wish it to have the influence of example, you must take care of your individual and collective respectability, and what can be more material for that purpose than the enforcement of those laws and regulations which you have so repeatedly enacted to guard against any improper interference in the election of your members.—Against the noble lord to whom my motion refers, I assure the house that I do not mean to offer one word beyond what the Evidence contains; that I do not mean to make any charge against him, but what he makes against himself, nor to adduce any Evidence but that which the Committee received, and from his own lips, and upon that Evidence I shall ground my call on you for a vote of disapprobation. Perhaps it may be possible to offer some remarks on the case, tending to extenuate the delinquency of this culprit, as I must consider the noble lord, although I do not think such remarks easy to be produced or imagined. I apprehend there is no intention to deprecate or to interrupt the fair discussion of this question. Let me hope that the house, for its own honour, will repel such an attempt, if it be made. I trust that even from considerations of policy it will be forward to mark with appropriate reprehension a transaction which, if overlooked, cannot fail to bring disgrace upon itself. It is in Evidence, that in the year 1805, the noble lord received a letter from Mr. Reding, who was a perfect stranger to him; and, yet with this stranger, he, in consequence, had a meeting, in which a direct proposition was made to assist him in procuring a seat. —Upon such a proposition, from the station of the noble lord, from the habits of his life, and from the sense of his duty, one should have thought that he would have shewn some symptoms of displeasure; that he would have taken means to ascertain the nature and extent of a conspiracy to pollute the purity of this house, to make a corrupt disposal of its seats, in order to bring the persons concerned to public exposure and infamy. Such was the course which the noble lord ought to have pursued. But, no; the noble lord gave a very gracious reception to Mr. Reding, and told him, that he did not want a seat himself, but that a friend did, to which friend he sent him, as appears in the following Extracts from the noble lord's Evidence:—"The object of Mr. Reding's "letter was to say, that he thought he "had the means of assisting me in com-"ing into parliament. I told Mr. Reding "that I did not want a seat in parliament "for myself, but that a friend of mine did. "I inclosed Mr. Reding's letter to lord "Clancarty (the friend alluded to). I "was induced to place a writership at "lord Clancarty's disposal, and certainly "the impression under which I did it was, "that lord Clancarty's coming into par-"liament might be thereby facilitated." —The noble lord was then asked, if any thing passed as to a negociation for a writership? To which he answered, "No-"thing whatever. I told Mr. Reding I "did not want a seat for myself, but that "a friend of mine did. I asked him the "name of the gentleman who proposed "to vacate. This he declined till the "terms were settled, with which having "nothing to do, I inclosed his letter to "lord Clancarty." It is impossible, Sir, for any person exercising an impartial judgment to consider this treating any otherwise than a direct willingness to agree to what was proposed. He inclosed a letter to lord Clancarty, and never saw Mr. Reding afterwards. The negociation with lord Clancarty appears from a subsequent question, in answer to which he says, "I was induced to place a writer-"ship at lord Clancarty's disposal, in or-"der that lord Clancarty's coming into "parliament might be facilitated." Now, Sir, I think were I to go no farther, but immediately to propose a Resolution of censure upon the noble lord opposite, founded upon that paragraph in

his own evidence, it would be impossible for the house not to agree to it. In answer to the next question, he says, that he conceived lord Clancarty entitled to call upon him for a writership. With these facts in the view of the house, upon the noble lord's own confession, I would ask, is it possible to devise any just means of rescuing his conduct from reprobation? Upon the first part of the evidence alone, namely, that of countenancing the proposition of Reding, I should have thought the noble lord deserving of disapprobation; but when combined with the case of the Writership, I think it impossible for him to escape the censure of this house. I cannot indeed conceive any delinquency of this nature likely to attract the attention, much less to justify the punishment of this house, if such a flagrant case as this under consideration shall be allowed to pass uncensured. The noble lord's statement in his evidence, that the writership was to be disposed of, subject to certain qualifications; that the case before him had no relation to a pecuniary transaction, or that the nomination did not take place, cannot avail him upon this occasion, for his intention is obvious, and of that intention we are to judge. I now come to the evidence of lord Clancarty, which is equally important and forcible. From the situation which that noble lord held, and his connection with the object of my motion, I must take leave, although the whole of the Evidence lies on the table, to call the attention of the house to those parts of it which particularly relate to the case I have brought before you.—Lord Clancarty being asked, When he became acquainted with Reding? answers, 'In the month of 'October, 1805.' 'On what occasion did 'you first become acquainted with that 'person? With respect to obtaining a seat 'in parliament.—Did he hold out that he 'had a seat in parliament? He did.' Then follows a statement that the negociation broke off, because Reding required a Writership for the Seat, which lord Clancarty had not to dispose of. But it seems upon mentioning this circumstance to his friend, lord Castlereagh, he told him he should have a Writership to dispose of. Lord Clancarty being asked, 'Did lord Castlereagh offer you this 'appointment of a Writership, for the 'purpose of facilitating your being re-'turned to parliament?'—Answer. 'Cer-'tainly; it being always to be under-'stood that the party was of sufficient 'respectability to be eligible,' &c.—The latter part of this answer has, in fact, no reference to the transaction before the house, from which not a particle of its unconstitutional character is removed by this or any of the other qualifications which appear in the evidence of either of the noble lords. I shall not detain the house further upon the evidence, than by reading a short passage from that of Reding, which will be quite sufficient to establish the charge in my view of the subject.—'What conversation had you with Mr. 'Davies upon that subject? The conver-'sation I had with Mr. Davies was, a party 'wanted a sum of money, but the other 'party were to give a seat, and this money 'was to go into that sort of negociation. '—Was the sum of money to procure any 'appointment under the East India Com-'pany? Yes, in one shape, but the Seat 'was to be given to those who could get 'that appointment made.—Was a Writer-'ship to be procured by the sum of money 'so to be given? Not without getting a 'Seat, as a remuneration for the Writer-'ship; but it did not take place, &c.' —Now, connecting this part of Reding's evidence with the others, which relate to that witness's communications with the noble lord opposite, and with lord Clancarty, every man will be enabled to form his own conclusions.—But, Sir, I am now to introduce another person to your notice, who has been connected with this transaction, and I feel every reluctance in doing so, which can arise out of a just respect for rank. But it is necessary to the ends in view that the whole case should be exposed, and the person to whom I allude was no less than a peer of the realm. The house must be aware to whom I allude, and I am certain when they review the whole of the business, and those concerned in it, they cannot be surprised that I ask what can avail all our legislative provisions—what can avail such Bills as that recently brought forward by the Chancellor of the Exchequer, to prevent the improper disposal of Offices—what can avail our Resolutions at the commencement of every sessions, to prevent the interposition of peers in the election of the members of this house; or what can avail any further arrangements that may be devised upon this subject, if a transaction so flagrant in its nature as that to which your attention is now peculiarly directed, shall be suffered to pass with impunity?

That attention, however, this transaction must have long occupied. I have not been the first to bring it before you: I have not put myself forward to make out a new case, but to call for your decision upon that which has been for some weeks the subject of general conversation, with which, indeed, the public are quite familiar, and naturally looking to this house for such a determination as it is intitled to expect—for such a decision as this house, if tenacious of its own reputation, should be prompt to pronounce. If such be not the result, how can the people regard your resolutions and enactments with proper deference; how can you, consistently, inflict punishment upon the lower classes, who often under the pressure of necessity engage in this infamous traffic, if you will overlook the glaring delinquency of three noble lords, one of whom was a peer of the realm, and the other two high officers in the state?—I do not affect to be ignorant of the various improper means by which several members contrive to find their way into this house. I beg pardon; perhaps I am inaccurate in alluding to this house, as it is at present constituted. But I may allude to former houses; and I cannot be altogether unaware of the gross malpractices by which several men procured their introduction to them. No man acquainted with the world can be quite ignorant upon this subject. But sure I am, that if any person were to urge the notoriety of such misconduct as any plea for the transaction to which my motion refers—if he were to attempt to defend upon such grounds, such a corrupt and unconstitutional practice, he would be only wasting his own time and that of the house. No individual, indeed, would venture to put forward such a defence, unless he were disposed to appreciate the conduct of men, not by the standard of the constitution, but by the existence and extent of its corruptions. I cannot suffer myself to suppose that such a feeling prevails in this house. If it does, I can of course have no reason to calculate upon the adoption of my motion.—I am not insensible of the situation in which an individual is placed, in the peculiar circumstance of being called upon to answer for that, which he must have known many to have done with impunity; but let it be remembered, that till now there was no detection, and that from a continuance of the impunity may follow much greater crimes. Here, however, is a case brought before the house, sustained by incontrovertible evidence; and it is impossible that any palliation, drawn from such sources as I have alluded to, can have any effect upon the decision. Sure I am that they cannot avail out of doors. But there is a peculiarity in this case which renders such palliatives still less available. For I must notice the variety of situations in which the noble lord should have felt himself particularly bound to resist, much more to abstain, from such odious traffic. The noble lord was concerned in assenting to the Resolutions which are usually passed against the proceedings which this traffic involves—he was also a party to the various legislative provisions enacted against them—he could not be ignorant of the numerous prohibitory statutes to be found on our books. He was also bound, as a member of the house, to protect its purity, and as a member of the government to uphold the dignity of that government. But he proved his indifference to the fame of government and to the independence and purity of the house—to the preservation of his own character, and to the prescription of the law of his country. If such a flagrant case can admit of aggravation, it is furnished by the offer of the noble lord with regard to the Writership. What! that the President of the Board which was specially instituted for the purpose of controlling and checking corruption in the management of the affairs of India, should himself become a principal minister of corruption! Here his corruption appeared two-fold; first, with regard to this house; and, secondly, with regard to the India Company; equally betraying in both, an indifference to character and to duty.—In one part of the noble lord's Evidence I find a statement, from which it appears, that a list of the situations in his disposal, and patronage at the India house, was laid before the Committee. Now I am at a loss to know what the noble lord's patronage was in that situation, or under what law or regulation he had any right to any patronage. I do not find that any such right is conferred upon him by the statute which created the Board over which he presided. How, then, did the noble lord obtain this patronage? Was it the result of compromise or usurpation? I should wish to have some information upon this head from the noble lord, or some one near him. I rather apprehend this patronage is an abuse, as it is not granted, nay is actually prohibited, as I have stated, by the act appointing the

Board of Controul. I require, however, no information to satisfy my mind, that however the patronage was originally obtained, it was attempted, in this instance, to dispose of it in a corrupt manner. For the noble lord was guilty of an infraction of the law prevailing at the India house, by the mode in which he would apply this Writership. It will not, I apprehend, be maintained, that the noble lord's disposition of patronage was not subject to the same rules and regulations which applied to the patronage of the Directors of the India house. It will not be pretended that the noble lord had any privilege or patent of exemption from these rules and regulations. If I am not correct in this supposition, I hope that some person on the other side will take the trouble to shew that there was some ground of distinction in this respect between the noble lord and the Directors; for if no such difference appears, then I must charge the noble lord with having directly violated the law for disposing of patronage at the India house, and what is worse, with having betrayed some other person into something little short of the breach of a solemn declaration upon oath. The following are the words of the declaration made by a Director upon recommending for a Writership: 'I do most solemnly declare that I 'have given the nomination to , 'and that I neither have received myself, 'nor am to receive, nor has any other per- 'son, to the best of my knowledge or be- 'lief, received, nor is to receive, any pe- 'cuniary consideration, nor any thing con- 'vertible in any mode into a pecuniary 'benefit on this account.' In page 7, of the Report of the Committee, it appears that the attention both of the legislature and of the East India Company had, at various periods, been attracted to abuses which were supposed to exist in the disposal of their patronage, in consequence of which, at the time when their charter was renewed, an oath was framed to be taken by each Director, within ten days after his election, containing, among other engagements, the following: 'I do swear that I 'will not, directly nor indirectly, accept 'or take any perquisite, emolument, fee, 'present, or reward, upon any account 'whatsoever, or any promise or engage- 'ment for any, or in respect of the appoint- 'ment or nomination of any person or per- 'sons to any place of office in the gift or 'appointment of the said Company, or of 'me as a Director thereof.'—In the Bye Laws of the East India Company, ch. 6, sect. 5, a penalty is imposed on every Director taking any reward on account of any appointment, in double the amount of such reward, two thirds of which are to go to the Company, and one-third to the informer; and such Director is rendered incapable of holding any place whatever under the Company. Now, sir, I contend, that the above regulations are as much in force against the patronage of the noble lord, as President of the Board of Controul, which, I insist, he had no right to dispose of, as they could possibly be in regard to the patronage of Directors. What, then, will the house think of this attack on its purity and disregard of its constitution and of its rules, when they see that the high and important office which the noble lord has held so long, has been made an instrument for the worst of purposes; and that, directly in the teeth of an act of parliament, as well as of a Bye Law of the East India Company? If, then, the noble lord had not the right of patronage vested in himself, as I believe, in what a situation would the delegate have been placed, through whom lord Clancarty's writership was to be obtained? I shall be glad to hear the noble lord's explanation upon this subject. My opinion is, that the noble lord's patronage is subject to the same regulation as that which affects the Directors: but I shall attend to what the noble lord has to say. If, however, he does not satisfy the house as to this point, it must serve only to aggravate the general indignation prevailing against him, and give to the whole tenor of his conduct in this transaction a still more objectionable character.—I have said before, that I should be sorry to mention names, if they could be avoided consistently with the duty I owe to the case, and which I have pledged myself to perform. I find, from the evidence of Reding, that the names of a number of persons are mentioned who were to participate of the money to be obtained from the sale of the Writership. Probably the noble lord was deceived. Let him say so. I do not mean to attach to him the suspicion that he believed the Writership was to be converted into a source of pecuniary profit. [Here lord Castlereagh indicated his contempt of such a charge.] I am happy to perceive the noble lord indignant at the mention of the transaction in this light, but he would have done well to have shewn this indignation before the evidence had been produced. But when we recol-

lect that he had been president of the Board of Controul for so many years; that lord Clancarty was a member of the same Board, and that Reding, a party to the transaction, had never excited that indignation till his refusal to discover the parties, I think those feelings of indignation have been very tardy in shewing themselves. I do not wish to be hard upon the noble lord opposite to me, but really I do think that merely reading the evidence must obtain the censure I shall move for: though I have deemed it more decorous and respectful to the house to preface my motion with the comments I have already made and have still to submit upon the transaction.—I am sorry to trespass upon the time of the house, but there are still points to which I must call its attention. The house will see in the evidence an allusion made by the noble lord to a note from Davis, respecting a Mrs. Groves, in the answer to which the noble lord expressed his desire, that Mr. Davis would detect and expose the persons who had dared to mention his name in such a transaction. Here there was an expression of disdain and indignation—but when did it happen? At what period and under what circumstances did it take place? In page 61, of the evidence, a Mr. George Davis is examined, and there appears to have been, at the time he alludes to, a negotiation set on foot for the procuring of a writership, which did not take effect; but there was some correspondence upon the subject, and the noble lord's name was mentioned. Mr. Davis is asked, 'From what reason do you suppose the negotiation broke off?' He answers thus: 'This reason was explained 'by Mrs. Grove; that at that moment 'there was a change in administration, 'and that it was a Board of Controul appointment. I recollect Mr. Reding, or 'Reading, afterwards informed me, that 'there was no court subsequent to that moment, during the then administration, by 'which a nomination could properly take 'place.—Who was at the head of the 'Board of Controul at that time? I do not 'know.—Did she not mention by whom it 'was to be given to your friend? A noble 'viscount was mentioned to me.—Was 'not lord Castlereagh the person mentioned? He was.—Was lord Castlereagh the 'person to whom you wrote, communicating these circumstances? He was.—How 'long ago was that transaction? It was in 'the beginning of 1806; it was at the moment of the change of administration that 'she applied for it. When I wrote to his 'lordship, he requested me to call upon 'him at his office in Downing-street, and I 'did on that day.—Did you see him? No, 'he was at the council; and I received a 'note the next day, acknowledging the receipt of it, and requesting that I would 'explain every thing, so that the party 'who had made use of his name should be 'detected, or something of that kind.—'Did he decline seeing you? No; so far 'from that, his servant delivered to me 'his compliments, and desired that I would 'call at his house in Downing-street, and, 'if he was not there, go to the house of 'commons.—You have not seen him? 'No, I have not.—And no appointment 'was made for seeing him in the note you 'received? No; but he requested I would 'lend my aid in order that the party who 'would be daring enough to make so improper a use of his name (I think that 'was the expression) should be exposed.—'You could produce the note, if necessary? 'Yes, certainly.'

Now, Sir, the observation I make upon this evidence is, by asking, was that declaration of the noble lord's indignation on that occasion, a genuine, sincere, and honest declaration, or not? All this took place after the former negotiation had been begun, continued, and broken off; (Hear! hear!) and yet he affects upon this last occasion to be so indignant, that he desires the person's name to be mentioned, in order that he might be detected. Is it possible that, under such circumstances, this house can give him credit for those feelings? Can we suppose that he, who had been the guilty instrument in conducting negotiations of this nature formerly, was actuated by a sincere intention to expose and discountenance such a practice, otherwise than that he might thereby prevent his being exposed himself? (Hear! hear!). I have no doubt, that he would rather have exposed Mr. Reding, or Mr. Davis, than have incurred the danger of exposing himself; and that it was the fear of detection, rather than a wish for the discovery of guilt, that prompted the noble lord to that conduct. I stand here in the correction of the noble lord and his friends around him, as to whether I am doing him an injustice in this statement. It is for them to say, if I am in error; but I shall retract any part of this accusation, which the evidence does not warrant me in making. If it were improper for Mr. Davis, Mr. Reding,

or Mrs. Grove, to bring disrepute upon officers of government, who were they that were guilty of permitting that impropriety to exist? I contend that when the noble lord's jealousy and indignation appear to have been peculiarly excited, he had at that time done all in his power to effect a corrupt exchange of a writership for a seat in parliament; for I can never admit that his delicacy in this instance, could have proceeded from any other feeling than the fear of detection. If it were really improper to couple his name with such a transaction, I trust that when it appears to have been actually so coupled, I shall find a justification in the eyes of the noble lord, and those around him, for bringing forward such a transaction to public notice, as is similar to that of which the noble lord himself says, the authors ought to have been exposed. The noble lord must acknowledge that I am right, or he must shew that this transaction was not of the same kind with that other one. What could be meant by those terms, that the party making use of his name, should be detected and exposed? How were they to be exposed? If detected, I suppose the noble lord, or his learned law friends, would have immediately instituted a prosecution against the person making use of his name; and now I call upon this house to do that which we should have been doing against those individuals, had they been convicted; I call upon this house to inflict that same punishment upon the individual already convicted (Hear! hear!). If any such persons as those the noble lord wished to detect, had been convicted, punishment must have followed, although months and years might have elapsed before their guilt was discovered. But, so far from their conduct being corrupt or criminal, I contend, that, if, after the detection of this delinquency it should be suffered to escape with impunity, we should be intitled to conclude, that these unknown and obscure individuals had suffered an unmerited punishment. I have troubled the house at considerably greater length than I intended, but I think it will now appear that the importance of this question yields to none that can be brought before this house. The power, privileges, and immunities, attached to those in office, must not screen them from censure. We must show the public, that we are inclined to pursue with impartial justice, any crime wherever it makes its appearance. I say it is a mockery of justice, to affect to censure persons comparatively inconsiderable, if we are to suffer a noble lord, filling the office of Secretary of State, (lord Castlereagh), another noble lord, a member of the Board of Controul, (lord Clancarty), and a third (marquis of Sligo), a peer of the realm, to do those acts with impunity, for which we would visit meaner delinquents with a severe measure of punishment. We have lately been informed, that the Chancellor of the Exchequer has thought proper, in consequence of some advertisement in the papers, offering a situation for sale, to direct a sum of money to be lodged, as required by the advertisement, and has taken every step in his power, in order to entrap the poor unfortunate individual (Hear! hear!). Now, I would wish the house to reflect, if this trap of the Chancellor of the Exchequer, so admirably contrived, had been also laid to ensnare those concerned in the transaction I have been describing, whether he would have been not a little surprised to have caught his noble friend who now sits near him, together with his two noble accomplices. That right hon. gent. ought to have laid his trap upon this occasion, as well as upon the other; for the first appearance of this writership was by advertisement in the public papers, and if he had only applied his trap a little sooner, he would have undoubtedly detected two of his colleagues and a peer of the realm in the illicit traffic. Supposing that right hon. gent. goes on with the prosecution of those whom, he says, he has already entrapped, and will be able to bring them to conviction; what will be the feelings of this house and of the public, if they shall find in it a case trivial comparatively to this one, if although flagrant it should escape without notice and without censure. There is one circumstance which I have omitted to notice, and which may appear to place one in an invidious situation. It is, that this evidence has lain a considerable while upon your table, which I mean to move should be read, and on which I am to ground a motion of censure against that noble lord, and yet no one of the committee who made that Report, has thought proper to make any observations upon the flagrant charge it contains, and there has appeared no actual intention of noticing the transaction itself. I own it did surprise me, that such evidence could have been laid upon the table, without any notice being taken of it; but however invidious it may appear, I own that I had

no sooner read it, than the flagrancy of the offence struck me, and feeling as I do every respect for that committee and that chairman, I could not refrain from doing what I conceived to be a public duty. It is however somewhat surprising that they should have done no more than state the facts; and, though I do not mean to make any insinuation against the conduct of the Committee, it is I think desirable that they should have accompanied that statement, with some recommendation to the house. What possible defence can be made by the noble lord, or his friends, I am truly at a loss to conceive. for I know of nothing they can have to offer either in justification or extenuation of such an offence. It may be stated, that he has done no more than what others have done before him; and if so, I shall only say, that in all former transactions of this nature, a similiar inquiry and a similar censure has taken place as that which I now ask for. I cannot agree with the sentiments of an hon. and learned gentleman opposite, when he stated that the evidence of an accomplice is to be rejected. In this case here is both a principal and an accomplice implicated, and I am prepared to argue that point, should it be set up. If I were now calling for the censure of the house upon a transaction, a system of corruption, which had at any time appeared of a justifiable nature, it might be incumbent upon me to urge further argument than I have done, but at present the question merely appears to be, has this offence been committed or not? This is the question which the house has in its power to determine from the evidence before it, and indeed I need no other assistance than what comes from the lips of the noble lord himself. I have refrained from casting any imputation upon the accused that the evidence does not fully warrant; and I shall be glad to hear what he has to offer in contradiction to that testimony which is already before us; and as I know it is usual for the house to permit persons accused to state any observations that may occur in their defence, as well as to permit the accuser to reply, I shall not trespass at present more upon your patience, than to repeat my assurance that I have acted from no other motive than a conscientious discharge of my duty.—The noble lord then concluded his statement, by moving, "That so much of the Minutes of the Evidence contained in the Report which, upon the 23d day of March last, was made from the Committee appointed to enquire into the existence of any corrupt practices in regard to the appointment and nomination of Writers or Cadets in the service of the East India Company, or any agreement, negotiation, or bargain, direct or indirect, for the sale thereof, as relates to the evidence given before the said Committee by lord viscount Castlereagh, the earl of Clancarty, Mr. Reding, and Mr. Davis, might be read."—And the same being read;

Lord *Castlereagh* rose and spoke as follows.—I certainly cannot help expressing my utmost regret that any action of mine should become the subject of parliamentary discussion. I am sure no person can feel more for the privileges and independence of this house, than I do; and certainly my culpability, if really guilty, must be greatly increased, from the situation I hold in his majesty's councils. If I have committed any error in the discharge of my public duty, I can assure the house, that it was not intentional on my part, and is rather to be attributed to accident than design. I thank the noble lord for the manner in which he has brought this question forward, and for the full and candid statement which he has made of his view of it, before he came to propose his final Resolutions. There is no extent to which the charge can be carried, which I do not wish to hear and to meet, and on this account I am gratified at the full explanation which has been given by the noble lord. I am the last man who will complain of his going too far in urging any charge against myself. I allow him to draw every inference he can from my own evidence, but there are some things which I have to say, that will be directly contrary to what has been stated by some of the witnesses. If gentlemen will judge my conduct, when separated from my political principles, I trust that no blame will attach to it. Here it may be necessary for me to state, and I solemnly declare, that, as a minister of the crown, I never applied my patronage to acquire any unjust influence in this house; and I am sure no person can contradict me. The patronage I had, and the manner in which I disposed of it, is before you, and it will be seen that I neither bestowed it upon the members, nor upon the electors, nor for any political purpose whatsoever. I also beg leave to state that it never once occurred to me as an original idea, to employ my patronage to obtain lord Clancarty's return. When I saw Mr. Reding, he told

me, that a person who wished to vacate his seat had a nephew, whom he wished to send to India as a writer, and that he had it in his power to favour lord Clancarty's election. I certainly regret very much that I ever had any connection with Reding; but I assure the house, that at that time I had no notion, that such a person existed in society as a trafficking broker for offices under government (A loud cry of hear! hear! in which lord Milton's voice was distinguishable). I beseech the noble lord to restrain his impatience; and again beg leave to assure the house, that I knew not that persons of that description were in existence. If any other member knew of it, I am surprised they never made it a subject of parliamentary enquiry before. When I recommended Mr. Reding to go and make his proposal to lord Clancarty, I perceived no impropriety in the case, as I considered it perfectly fair for one friend to serve another at an election. When I placed the Writership at lord Clancarty's disposal, I had no other view than to serve my friend, and if I could do so, I had no hesitation to give a Writership to any respectable gentleman's son or nephew who could promote my views, particularly as I was myself to determine whether the party recommended was eligible. I certainly considered lord Clancarty to be a man of great abilities, and was of opinion, both on account of those abilities, and of the great quantity of business, for which that noble lord was peculiarly qualified, that if he had at that time a seat in parliament, the country would derive much benefit from his services. In my opinion, no turpitude attaches to the transaction, and if a pecuniary consideration could have formed any part of it, it was least of all to be expected to take place between a father and a son, or an uncle and a nephew. I do not deny but Mr. Reding meant to derive considerable advantage from the transaction, but I assure the house it never entered into my mind, nor I am confident into that of lord Clancarty. As I did not want the seat alluded to by Mr. Reding for myself, I sent his letter to lord Clancarty, and the only conversation he had with him, was his inquiring who was the person disposed to retire from parliament, and finding he could not get that information from him, he broke off the transaction. The negotiation never having been resumed, it was evident that the bartering of a writership for any corrupt consideration, was as foreign from lord Clancarty's mind, as it was from mine. As to the case of Mr. Davis, the fact is, I never saw that person in my life; although it is said, he called upon me in Downing-street, in consequence of a message from my porter, in answer to his note. If my porter told him, as from me, to go to my office in Downing-street, I must have supposed him to be Mr. Davis, a member of this house; but when I found who he was, I wrote to him, that he could not do me a greater favour than to expose the whole transaction. This is all I know of Mr. Davis, and I never saw him in my life in Downing-street or elsewhere.—The noble lord has brought a particular charge of criminality against me, from the official situation which I held as President of the Board of Controul, alledging, that this criminality is particularly aggravated from this additional consideration, that I did make use of the influence which I possessed in consequence of that situation, to promote the election of a member of parliament. The appointment of the higher offices in India is vested, no doubt, in the Board of Controul, but with the inferior appointments this Board has officially no connection, as it was supposed by the legislature that the power of such appointments would devolve too great a share of influence on the Crown, and for that reason had the inferior patronage been broken down, and parcelled out among the directors. Of a Writership, therefore, I could not have officially disposed, as such an appointment was not within my official province. From the situation, however, which I held, I had no doubt a degree of influence, but that influence was not of an official nature, and rested entirely with the person legally authorized to recommend.—This influence was not of my creating; I found it existing when I succeeded to the office, and considered it merely as an act of grace and favour arising naturally perhaps from the situation, but a patronage by no means officially in the hands of the President of the Board of Controul. For that portion of influence, therefore, I cannot in justice be considered as responsible, not having exercised it in my official capacity. So far is this portion of patronage from being official, that it is often enjoyed by a person who has been once in office, even after he is no longer President, as a right hon. gent. opposite (Mr. Tierney), I have no doubt, has experienced. This at least I have found to be

the case even after my connection with the Board no longer existed. This influence may be easily accounted for from the habits of friendship, and the circumstance of having been so intimately connected with the Directors, and was not less official than that supposed to be enjoyed by the existing President of the Board. In either situation, I confess, it is a duty to make a proper use of this influence, enjoyed by the mere indulgence of individual Directors; but to the exercise of this influence there is no particular or extraordinary responsibility attached from the circumstance of being President of the Board of Controul.—Of whatever criminality, therefore, I may be accused on this occasion, any attempt to render it more aggravated, from considering it as connected with the exercise of my official duty, I must consider as unfair and ill founded. The Board of Directors do certainly make a declaration which binds them particularly in such cases; but it does not follow that other persons who make no such declaration are to be considered as having their errors aggravated by the breach of what they have not pledged themselves to observe. When called before the Committee, I thought it my duty to state what I knew. Had the disclosure been connected with my public or official duties, or had it related in any way to the conduct or policy of government, there might have been some room for hesitation; but the subject being merely of a personal nature, it would have been unpardonable in me to have hesitated for a moment. I have reason to regret the unfortunate circumstance of having my name connected with that of a man of such a character as Mr. Reding; but when he applied to me, I had no suspicion of the improper motives from which he acted, and was far from thinking that he was one of those who made a traffic in places. I here feel it to be my duty to state to the house the motives from which I entered into the transaction. I do most solemnly assure the house, that I had never for a single moment an idea that the appointment in my gift, and placed at lord Clancarty's disposal, could lead to any corrupt influence, either in that house or with individual electors. Although the person who was to retire from parliament had not been named, still the impression upon my mind was this, that he was not only a man of high respectability, but one of those who were in the habit of voting with the government. I considered him to be a man, who had had some favour to seek for a son or a nephew, and could never suppose, that the grant of such a favour could operate either to affect the independence of parliament, or to corrupt the purity of election; and, indeed, I would be the last man on earth who would grant any favour, which could have such an effect. But, even admitting, (what I am prepared to deny,) that it was corrupt to exercise the influence, which local considerations or legitimate official patronage gave to the members of the government, with a view to favour the election of a friend; still, in the opinion of very able men, in which I coincide, it is fortunate that places exist, where such influence can be exercised, because they afford an opportunity to men of high talents and great learning, though not possessed of local influence, to get into parliament. Places of this description, which happily exist, open a facility of obtaining seats in this house to men, who cannot dedicate their whole time to the acquisition of popularity; men who from attention to the business of office, who from study and application to professional pursuits, are prevented from the exercise of those arts in which others have an opportunity of indulging: these places, I say, open a facility for such men to make their way into the house, who would necessarily be excluded if elections were all conducted upon popular principles, and confined, as in such a case they would be, to those only who could dedicate their time to the attainment of local influence and favour. The question then comes to this; was it proper to have appointed a person under the circumstances of this case to the situation proposed, subject to the qualifications I have mentioned, supposing the transaction, instead of existing only in the imagination, to have been carried into execution? Even the crime of treason requires an overt act to constitute the offence and maintain the charge; and surely it is not too much for me to expect to receive the benefit of such a principle. I consider it a duty imposed upon me as a minister not to accept of any defence which might be injurious to the public; I therefore will accept of none such; but can it be supposed for a moment, that I intended to influence elections corruptly by means of this appointment? Standing in my situation as minister of the crown, I had a right, I contend, to exercise that fair in-

fluence which my situation gave me, to support the government with which I was connected, of which I was a member. I had a right to give those who would support that government, upon independent principles, every assistance which my situation allowed, but not so as to interfere with the freedom of election by unduly influencing the conduct of individual voters. I am convinced, that no man in this house, nor any committee which may be appointed by this house, would or could say, that conduct, such as that imputed to me, went so far to the corruption of a vote, as to invalidate an election. The transaction itself, as it turned out, I cannot undoubtedly justify to the full extent, but I must be allowed to say, that no moral corruption has been proved against me. Indeed, if I could have had any corrupt views, this was a case, in which, of all others, I should not have acted upon them. It was a case, which, from its very nature, precluded secrecy. This is as plain as any thing I can say—as plain as that the marquis of Sligo had no seat in this house to dispose of—as plain as that he had not seen Mr. Reding at Downing street. It must be obvious, therefore, that, with any corrupt object in view, I should have avoided this case, which never once existed, which was merely imaginary, which was a perfect romance, as perfect a one as my playing cards with Mr. Reding, to which charge, if to any other, I could undertake to prove an alibi. For suppose lord Clancarty was returned to parliament, and it appeared that I had given the son, or nephew of the person through whom his seat may have been obtained, a writership, would not the transaction be instantly exposed? If I acted hastily upon this subject, it was not from any turpitude; it did not proceed from any dishonest or dishonourable motive, as is evident from the nature of the case, which could not be kept a secret. With respect to the case being never acted on, I disdain any defence drawn from that consideration; for if the corrupt intention is proved, it makes little difference whether it was executed, or not. But it is possible that in my communications with lord Clancarty, before the business could be accomplished, I might see reason to influence me to retract; it was competent to me to withdraw, if I saw cause for so doing; and if I received any intimation with respect to Reding's character, I must and would have retracted. I hope that no one will think me mad enough to relinquish my public situation, my public character, and all that is dear to me as a man, for the purpose of serving a private friend, or procuring an addition of an individual to the party to which I belonged. I do not wish to disguise any thing: I do not wish to justify any thing upon principle, which might be inconsistent with the dignity of parliament. Having stripped the case of its aggravation, having stated that I was influenced by no interested or corrupt motive, that I do not think the individual would have been led to surrender up his principles, and, above all, that no elector was likely to be corrupted by the transaction, I have only to express my sincere regret that motives of private friendship, or a wish to have the assistance of competent persons in the government, should have led me into the adoption of any conduct that rendered an inquiry by this house necessary. The evidence is before you upon which you are to form your judgment, and whatever decision you may pronounce, I shall submit to it with deference.

His lordship withdrew on concluding his defence, and the Evidence being entered as read, lord A. Hamilton proposed the following Resolutions:—1st. "That it appears to this house, from the Evidence on the table, that lord viscount Castlereagh in the year 1805, he having just quitted the office of President of the Board of Controul, and being then a Privy Counsellor and Secretary of State, did place at the disposal of lord Clancarty, a member of the said Board, the nomination of a Writership to India, for the purpose of thereby procuring the said lord Clancarty a Seat in this honourable house. 2nd. That it was owing to a disagreement among other subordinate parties to the transaction, that this corrupt negotiation did not take effect.—3rd. That lord viscount Castlereagh has been by the said conduct guilty of a violation of his duty, of an abuse of his influence and authority as President of the Board of Controul, and also of an attack upon the purity and constitution of this house."

Lord *Binning*.—Sir; when a man who has served the public in a high office for many years, is called upon to defend himself from charges such as those contained in the noble lord's Resolutions, it is a matter of great moment, and requiring much deliberation. In the course of the speech which the noble lord made, he

disavowed any intention of defending himself upon principle: I do not intend to defend him upon principle either, and am sorry that it is not in my power to do so. I am not inclined to weaken the impression made by the speech of my noble friend, by going at any length into the case, but I feel it necessary to refer briefly to the proceedings. It appears, that Mr. Reding, in his interview with lord Castlereagh, told him that he had the means of assisting him in coming into parliament. Lord Castlereagh informed Mr. Reding, that he did not want a seat himself, but conceiving that he made the offer as agent for a person willing to assist the government, he referred him to lord Clancarty, whom his lordship well knew, and who was his particular friend; in some time after, he was told that the business was blown over, and that nothing was done. The simple fact is, that lord Castlereagh said that he could procure the situation of a writership, which he would apply to the purpose of facilitating that specific negotiation of bringing lord Clancarty into parliament, an intention to this moment unexecuted. Such is the plain case before the house; the whole guilt of which consists in lord Castlereagh's proposing to facilitate the election of his friend. The noble lord opposite said, that he was unwilling to press harder upon any man, than the evidence would bear him out; but it appears to me that the noble lord is forgetful of this declaration. I will allow it is the duty of every man not to dispose of his patronage improperly, but as lord Castlereagh had not any knowledge of the character of Reding, it cannot be inferred, that he meant to make an improper use of his patronage, by disposing of it to unworthy objects. I think it unfair to inlist the case of Davis on this occasion; because whatever might have been the object of Davis, lord Castlereagh was certainly no party to it.—Some observations have been made respecting the indignation manifested by the noble lord at having his name associated with such persons; and from what has fallen from the other side there appears a wish to represent the indignation as not fair and honest; but why should it be thought otherwise? If the noble lord did not feel indignant at it he would deserve all the punishment which my noble friend appears so willing to hurl upon his head. It appears to me that in judging of the conduct of lord Castlereagh we are not to call in the assistance of inference, but decide from the evidence before us. I have said that it was impossible to defend lord Castlereagh upon principle, I say so still, but I may maintain in perfect consistency with this opinion, that the Resolution of the noble lord goes to draw down a greater punishment than the offence deserves; there are degrees in offences: you would not punish a man for a bare intention with the same severity as for an actual commission: what is necessary to constitute the offence is here wanting. There was no *malus animus*; no corrupt design appears in the whole transaction. The noble lord acted not in his official capacity, but as an individual wishing to oblige his friend. He had officially no India patronage to bestow. What he gave in this way must have been given him by some of the Directors who had the nomination at the time. Officially he had committed no offence, and the degree of punishment ought to be proportioned to the degree of guilt. The necessary consequence of carrying these Resolutions will be the loss of office to the noble lord. I know it is sometimes asserted that dismissal from office is not to be considered a punishment. When the dismissal is occasioned by the pleasure of the sovereign, by a want of strength in the ministry, or the success and overbearance of some rival party, it is certain the dismissal cannot be considered as a punishment; but when charges of corruption are entertained, sanctioned, and registered, and the dismissal takes place in consequence of such charges, will any man say that the dismissal from office is not a punishment, and a severe one too? I will not trouble the house any longer upon this subject, but shall conclude with a hope that the house, in exercising its discretion, will be considerate, and in its anxiety to discharge a duty to the public, will not forget what it owes to an individual. On the grounds I have already stated, I shall move that the other orders of the day be now read.

Mr. *C. W. Wynn.* Certainly, sir, after the speech which we have heard from the noble lord, I for one did not expect that he would have concluded it with such a motion; I for one did not expect that after he said the proposition of my noble friend was rather severe, he would attempt to substitute for it a proposal that it should be dismissed altogether; that when a Resolution was proposed by my noble friend grounded upon facts, the noble lord should propose to us to pass it by without notice

as a matter wholly unworthy of detaining us from more important business. I agree with my noble friend that a negociation upon a corrupt principle was intended to be carried into effect; I should be sorry that any man should think of confounding the intention with the execution, and attaching to them an equal criminality; but, if the intention is less criminal than the execution, are we therefore to conclude that entering into such a negociation is no offence whatever? I expected that the noble lord would have said he agreed as to the facts, but thought the expressions were too strong, and that he would have proposed some other form of Resolution, as a middle course, not liable to that objection. I will admit that many may have entered into, and continued the same system; that they may have been equally guilty with the noble lord, though they succeeded better in concealing their faults from the public; but, is that a reason why, when such a fact is brought to light, the house of commons should pass it over lightly? If they do, it will be in effect publishing to every person who may fill the same situation hereafter, that he may pursue the same traffic, that he may keep an open market in the same way. There might have been many persons guilty of such transactions who were either misled or acted from ignorance, and on that ground might merit some indulgence; but would this apology be pleaded by any member of that house? or would it be set up as an excuse for any member of his majesty's government? In a case like the present we have but one course to pursue; there is no option for our decision. Duty chalks out the line, and, however reluctantly, we must submit to its dictates. I know that there are many persons in this house who are disposed to maintain that the influence over electors is not injurious, and that little disadvantage results from the practice of bribery; this I know many of them to maintain in private conversation; but when a case of this kind is made out, they are bound in duty to obey the course prescribed by law, and by act of parliament; and with that, their private opinions ought not to interfere. I agree in the Resolution of 1779, which reprobates the interference of ministers of the crown at elections, and I shall propose that that Resolution be read before the house comes to a decision in this case. Many may differ in opinion upon this Resolution, they may be inclined to doubt its truth, but it being a Resolution of this house renders it, in my opinion, imperative upon us. It may be said, that the East India Company ought to be grateful to those who would recommend proper men to fill the situations, and possessed of the qualifications that are required. I think it wholly impossible that out of 20 educated men 19 should not be fit for them; it therefore is not so great a compliment to supply the East India Company with these competent persons. Appointments under the Company are, by a Resolution of the Court of Directors, vitiated when obtained with undue influence, even though the holder should not have been privy. But was this a case, in which the noble lord was ignorant of the disposal of his patronage? No, it was one in which he himself was about to dispose of his patronage for unworthy and unconstitutional purposes. He had not attempted to justify the transaction upon principle. That was better than if he had stood up unblushingly, and said, I have no money in my pocket, I have gained nothing by the transaction, and therefore I am innocent. It was a better and more modest way of proceeding, and may have some tendency to mitigate the punishment which the house may be inclined to adjudge to him. I wish that some censure may be adopted which shall vindicate the dignity of the house: not only the public now, but posterity will look to our decision upon this occasion, and be influenced by it. I remember a charge once brought against a Treasurer of the Navy, for having misapplied the public money, which had been granted for a particular service. I remember too, that the person charged in that instance, declared that no human power should compel him to disclose the manner in which that money had been applied. Yet that person (lord Melville) had been brought to trial. Here we have the evidence of one of our own body, confessing the fact charged, and shall we suffer it to pass unnoticed? Will any member state, that what appears upon the evidence in this case, if carried into effect, would not have been deserving of punishment? For my part, I think expulsion the smallest that could be applied to it. I certainly am not for punishing the intention with the same severity; but then I am as far from agreeing that no notice should be taken of it. A case occurred some time ago, of a man attempting to murder another by striking him with a poker on the head; on the trial there was

some difficulty in ascertaining the extent of the crime, in order to proportion the punishment; the poker was not an instrument to cut with, but the intention was equally manifest as if it was, and equally punished. Upon the same ground, I think that the intention manifested and acknowledged by the noble lord, is sufficient to establish his criminality. Consider what an effect your compliance with the motion of the noble lord may produce upon the country hereafter; how natural will it be for subsequent parliaments to say, when called upon to punish a minister who has actually executed what the noble viscount only attempted, "in the parliament of 1809, the attempt was considered too trifling to be noticed. Surely, then, the performance of it now is of no material consequence."—Something has been said with respect to aggravation, in this case. It has been said, that that patronage did not fall to the noble viscount by virtue of his own office, but was attached to some other department, distinct from his. I do not think that such interchanges ought to exist. This circumstance, however, does not appear to me to be any aggravation of the noble viscount's fault; but as certainly it is no extenuation of it. If that was admitted, it would open the door to numberless other abuses; for if a Chancellor of the Exchequer was to make a corrupt appointment in a public department, he might say, "I have nothing to do with that, it does not come immediately under my office, it was in the department of my friend the Secretary of State." This exchange, this borrowing of patronage for the purpose of influencing the return of members to parliament, ought to be prevented, and it is upon the strongest conviction of the necessity that I vote for the Resolutions proposed by my noble friend, because if the negociation failed, it was from other grounds, and not from want of inclination on the part of the noble lord.

Mr. *Croker* claimed the attention of the house for a short time. He wished that, in considering the whole of the case now under discussion, they would, in the very first instance, reflect on the evidence of Mr. Reding, upon whose testimony the material part of it rested; which if they did in a dispassionate way, they would find that it was so irreconcilable to reason, truth, and common sense, that they could place no faith, no credence in it. When he was first interrogated before the Committee, his answers confounded themselves; at one time he said the seat in parliament was to be obtained for a writership; but being closely pressed, he then declared that it was only to be obtained for a pecuniary consideration, and that, too, was related in so confused a way, as to produce a very unfavourable impression upon the mind of all the Committee. It was, from beginning to end, one tissue of incomprehensibility, evasion, and equivocation.—But what had principally induced him to rise on this occasion was a wish to rescue the memory of a much valued and deceased friend from the imputation thrown upon it. That friend was the late marquis of Sligo, and he contended, that such a charge or imputation of corruption against a man who was in his grave ought not to be credited upon the evidence of such a person as Reding. He further endeavoured to shew, that the story told by Reding could not be true, because, in point of law, lord Clancarty as an Irish peer could not sit in the house for an Irish borough. The same remark applied to lord Hawarden, who was in a similar situation. He (Mr. Croker) had enjoyed the friendship and the confidence of the marquis of Sligo, and knew that he had no influence or interest, except in the counties of Mayo and Galway, and that such influence as he had depended solely on his rank and landed property. With regard to his noble friend who had just retired, he contended that the second Resolution of the noble lord against him was false in fact, for he had shewn that there was an impossibility that the transaction could have been completed. He also affirmed, that the first Resolution was false in fact, though perhaps not in terms, because the patronage had not been conferred by the noble viscount as Secretary of State, but as President of the Board of Controul. The gentlemen from his side of the water were supposed to be rather deficient in their logic, but in the present instance the deficiency rested with the noble mover (a laugh.) He hoped the noble lord would excuse the gentlemen on the other side for laughing at him. Perhaps they only laughed at his logic (a loud laugh.) Disagreeing with the noble lord in his premises, he could not vote for his conclusion; for the premises being both false, he could not, consistently with reason, support a conclusion affirmatively derived from them. There really in this case existed no more than a parliamentary difficulty (a laugh.) The thing had be-

come familiar by custom, and when it was discovered could only be considered as a venial offence (Hear! hear!). This was what must be admitted on all sides. Without entering into detail, he would rest his vote on what his noble friend had himself stated. His conduct was not altogether justifiable, for he could not say that it was not wrong (a laugh.) He meant that his noble friend had successfully contended, that his offence was not of the darkest die, but that it was a middle sort of offence. He therefore wished that a middle course should be taken, as had been recommended by the hon. gent. who spoke last. He requested that every individual would do in this case what he would wish to be done in his own. At all events he could not agree in a direct vote of censure.

Mr. *C. Wynn* said, that the hon. gent. seemed to have misunderstood him: he recommended no middle course. He had only said, that he expected the noble lord opposite would have recommended such a course; but for his part he did not mean to disapprove in any degree of that which his noble friend had adopted.

Lord *Milton* observed, that he had felt great indignation at a particular part of the noble lord (Castlereagh's) speech, and indeed at the whole of it; but as to the manner of expressing that indignation, he was ready to apologize to the noble lord and the house.

Mr. *W. Smith* could not help admiring the ingenuity with which the hon. gent. (Mr. Croker) contrived to turn the attention of the house from the main question to the marquis of Sligo, whose case had nothing to do with the subject under discussion. The hon. gent., he thought, would find some difficulty in reconciling some inconsistencies that appeared in his speech. He felt the greatest indignation at the imputation that had been cast upon the deceased marquis of Sligo, in associating him with such transactions, but he seemed to lose all his warmth, when he contemplated the charge made against the living. The hon. gent. ought to have taken a little more pains to defend the living, seeing what he had done for the dead. There existed in this case a degree of guilt, which was not to be passed over in the slight way proposed by the noble lord opposite (lord Binning,) nor in a slight way at all; and nothing short of adopting the Resolutions of his noble friend would satisfy the duty of the house. He held an opinion directly contrary to that stated by the noble lord in his defence; and thought this mode of disposing of seats in parliament was extremely improper, unconstitutional, and subversive of the best interests of the country. He was surprised that they who thought otherwise should bring forward such opinions now; for though they might think it proper that such practices should exist in secret, yet, in order to continue their existence in secret, they ought to visit them with due severity when they came before the house. To pass them over when thus exposed would be giving the severest stab to their own doctrines. Be the personal corruption here ever so little, (and he was not disposed to aggravate the case,) it was necessary to look at it as an official offence, and with a view to its effects on the country. The circumstance of the noble lord holding two official situations at the time was rather an aggravation of the offence. The patronage of the Directors ought not to be given away for such purposes as this; or, if it was, it would only be a reason why they should not possess that patronage. The meaning of the term "facilitating," in the evidence, meant nothing else than placing a writership at the disposal of a member of the government, which, as had been openly avowed, was appropriated to the purpose of bringing a man into parliament.—With regard to the assertion that there was no view in this particular instance to the augmentation of the influence of government, if lord Clancarty had come into parliament, neither the noble lord, nor any body else, could have much doubt as to the side on which he would have voted. The one being President of the Board of Controul, and the other a member of that Board; the presumption was, that lord Clancarty would have voted for the government for the time being, of which he (lord Castlereagh) formed a part.—The defence did not go to maintain that all this was perfectly right; but it was said that there was no corruption of the electors in this case. But, the person, who was to give the seat, was supposed to have the command of it—a command of seats might be had in different ways, but the whole of them might be ultimately more or less resolvable into money. Burgage tenure and boroughs were as much a matter of bargain and sale as a cow or a horse. When an estate was sold, if any parliamentary interest belonged to it, this was always considered in the price. When members were to be returned,

friends of the proprietors were sometimes put in, but it more frequently happened that the seats were sold for 5,000*l.* or whatever sum they could bring. There were other boroughs where parties maintained their influence by continual corruption, and when an exchange of this sort took place, the parties must know that corruption must be the effect in procuring the seat. There were some who said that this corruption was necessary, in order to support the government; but, he had no hesitation in declaring it to be his opinion, that it ought not to be supported by such influence as this. This subject, he observed, was connected with the general question of a Reform in Parliament. He remembered in his early life to have heard of an observation of the great lord Chatham, "That if Parliament did not reform itself from within, it would be reformed with a vengeance from without." He hoped the latter alternative would never take place; but if such abuses as this were passed over unheeded, it was not to be concealed, that a Reform would be called for, in a manner which nobody would be more sorry to see than himself. It was necessary, for the preservation of the constitution, that such transactions as this should be animadverted upon with severity. That severity ought not, indeed, to go beyond the occasion, and the Resolutions of the noble lord did not go further than the occasion required. They were merely Resolutions of fact, though, perhaps, the fact in the second Resolution was incorrectly stated, and he would therefore agree to add some few words by way of Amendment, such as the following: "As far as appeared to the noble lord at the time;" for it was absolutely certain, that the exchange would have been completed, if the underlings had not dropped the negociation. If the hon. gent. (Mr. Croker) had concluded his speech by proposing some such Amendment as this, he would have been more consistent, or what, perhaps, he would like better, he would have been more logical. Great stress was laid on the transaction not being completed. He agreed, that if the affair had gone forward, the noble lord might have seen some circumstances to stop him, and this was entitled to weight; but setting moral guilt out of the question, the whole amounted to this, that the noble lord had, in his political capacity, as far as the negociation went, done all in his power to carry the object into effect, and, according to the common expression, "no thanks to him that it had failed." If the patronage of the East India Company was thus to be commuted for seats in parliament by members of the government, upon what principle could they be prevented from applying the patronage of the government itself to the same purpose; If a writership was to be thus exchanged for a seat in parliament, why should not a surveyorship of the Customs be applied to the same object? If this open abuse was passed over slightly, it would be telling the whole house, and the country, that such transactions might be carried on with impunity, in direct violation of the spirit of the acts to prevent bribery at elections. Was the house gravely to tell the country, that he who corrupted one voter was to be punished, while he who corrupted the whole was to be allowed to escape? And yet the noble lord proposed to pass over this transaction altogether, and to come to the order of the day! For the curiosity of the thing, he should like to know what the order of the day was. It was, he understood, the third reading of the Irish Commissioners Fees Bill; and the house was to pass over this great constitutional question without doing any thing, in order to discuss the subject of Irish Fees. There never could be a better opportunity of declaring the sense of parliament on this species of abuse (coughing). He was aware that the case was so clear, that many might think he took up too much of the time of the house in discussing it; and he trusted that those who were so impatient would shew that they agreed with him by their votes. (Hear, hear! from the Opposition side).—The hon. gent. then adverted to the transactions of the noble lord in Ireland, and from his assertions of purity drew this inference, that in the minds of some men, even of correct private characters, the supposed value of the end might, by custom, sanction any means whatever. He recollected that Mr. Hastings made a defence at the bar of the house which astonished every one; and almost every allegation of which he afterwards disavowed, when it appeared that it was not his own, but the defence of some other gentleman, who had drawn it up for him. The defence of the noble lord that night was all his own. But political men ought to consider the means better, because improper means might turn out to be as mischievous in the long run, as if the ends had been

culpable.—The hon. gent. then adverted to the state of the public mind with respect to abuses, and observed, that if the house passed over such a transaction as this lightly, it would forfeit its character with the country. There were some who thought that the best way to stop the popular clamour, as it had been called, was by meeting it manfully and resolutely. This might be the case, if the stream ran in a wrong direction. But when the direction was right, those who thus opposed it would only be overwhelmed by the torrent. In adopting a middle course, the true way for gentlemen would be to agree to the Resolution of facts, and then propose, a modification if necessary, of any resolution of censure that might be offered. The house, in the discharge of its duty, could not do less than adopt the Resolutions of his noble friend.

Mr. *Manners Sutton* admitted, that where it appeared that electors had been corrupted, punishment ought to follow. But here no voter had been corrupted, and the circumstance occurred four years ago. He put it to the house, therefore, whether they could conscientiously come to any resolution of severity against the noble viscount, even upon the evidence before them? There was no practical injury that had arisen from the negociation—no acting upon it—no result—it died in embrio. No seat was obtained or lost through it; no corruption proceeded, no body was benefitted by it, nor was the state or the individual injured by it.—He hoped that political hostility would not prevail so far as to aggravate this case, and therefore asked the gentlemen on the other side whether, with a fair view to the independence of parliament, it was necessary to enter on the Journals such Resolutions as these? He agreed that the dignity and independence of the house ought to be its primary object, but that independence and dignity would be sufficiently consulted by the notice which had been taken of this transaction, and the most moderate way of proceeding would be to adopt the proposition of his noble friend, and go to the order of the day.

Mr. *Grattan* said, that it seemed to be generally admitted that an offence had been committed: the offence, too, was of that sort, the principle of which went to affect that house in its privilege, and the country in its constitution; but then in this, as in every other offence, there were degrees, and the punishment should be consonant to the degree. The noble viscount was on his trial, and the house was bound to go through that trial, with judicial temper rather than any spirit of prosecutionary violence; and it was upon this principle that he could not approve of going back to the political proceedings in which the noble viscount had such a share in effecting the measure of Union with Ireland. He could hardly think it fair to charge that noble lord upon one issue and to try him upon another. (Hear, hear! from the Chancellor of the Exchequer, and others). He thought, therefore, that in entertaining the present charge they were to look to it only. And, in the first instance he must do justice to the noble lord; he liked the candid manner in which he had made his statement: his defence, such as it was, was frank and well judged, for there was throughout a decent respect for constitutional principles. This much he said in justice to the noble lord; but, then, what had the noble lord confessed?—that he had evaded a great principle of the constitution; but that he had not so evaded it with a view to attack the constitution, but with a view to accommodate a friend—an offence in either case; but, in either, the motives were so widely different, as to put a marked distinction between the offences in both; at the same time, the attack upon the constitution was direct, but then it did not, as it stood, seem to be one of a series—there did not appear any evidence of a system; it stood alone; and looking at it so, it did appear to him as if the noble viscount, at the time when he was guilty of that offence, was not aware of its extent. But still the offence called for the animadversion of that house—the purchasing of a Seat in that house was considered such an offence, that the bare mention of it was disorderly, at least to state it as a fact was so. The house, then, could not now pass over with an indifference, proofs of such an offence—an offence that went most against its dignity, by soiling the purity of that source which constituted its dignity—it was selling what was not to be sold, and buying what was not to be bought—it was making the legislative executive—and more than that, making the executive legislative, and making both undermine the government they were constituted to sustain. It was making all the parts conspire against one another, and break off from the common centre that made them strong in their common

union. An offence coming under the order of such offences, could not be overlooked by that house. But the offence of the noble lord was not single: he had offended not only as a minister of the country, but as a President of the Board of Controul; as a minister he ought not to have sought to purchase a Seat in that house— as a President of the Board of Controul he ought not to have proffered a Writership for that Seat.—Here, then, there was a complicated crime. Suppose even this abuse was not unusual, for that reason the house ought now to interpose and not allow a minister of the crown to employ public property (for offices were public property), in such a way for any private end whatever. It was idle to draw a distinction that made the offence worse, by making it more alarming. Government, it was said, had a right to use its patronage in its own support—then why not all patronage, civil, military, ecclesiastic —and for what was any government to be allowed the right of calling forth all its patronage on this specious principle of self-defence? Why, to model the parliament to the government—all this was to be done to new-model the parliament? The house had, upon a late instance, shewn a laudable jealousy of corrupt practices—how could they now reconcile that jealousy with a connivance at this principle? Were the ministers to be permitted that which would be criminal in any individual, and that, too, on the principle that their power might not be weakened—the power that perhaps gave the nerve to their abuses? This was to dread the streamlets of corruption, and at the same time to brave its inundation. This he applied merely to what was called government patronage; but as to the noble lord he had confessed his crime; it could not be passed over, though he (Mr. Grattan) acquitted him of the intention to the extent of which the crime was capable. The house had before it the whole of the case and defence. A Writership might have been given to facilitate a return to parliament. The noble lord had not denied that offence, but denied any intention of attacking the freedom of parliament. He thought that it was not possible that the house could refuse to affix upon such a transaction the reprobation due to it.

The *Chancellor of the Exchequer* said, that however he might expose himself to censure, he thought it would be not only a breach of public, but of private duty, did he not rise to deliver his sentiments on a question that so nearly concerned a valued friend. He thought, from the first, that there would be no difference of opinion respecting the facts in the case, and the law applicable to those facts. But the question, he apprehended, before the house was, whether the case was such as required the judgment of the house. The functions of that house consisted not merely in their judicial capacity, but also in their capacity as prosecutors; and they were, therefore, competent to judge whether under all the circumstances of the case it was requisite or necessary that they should take any proceedings on this question, which might tend to their pronouncing a distinct judgment upon a transaction never completed, and at the distance of two parliaments back. He complimented the candid statement of the last speaker. He admitted his facts and his law, but doubted the necessity of proceeding upon either. He hoped the animadversions of that right hon. gent. would be sufficient, respecting what had been adverted to by another hon. member (Mr. W. Smith) who had alluded to measures connected with the Union, and who seemed desirous of bringing them to bear upon this question.—And here he could not but repel the insinuation made by the noble lord who moved the Resolutions, that his noble friend might have taken money for his patronage. [Here lord A. Hamilton signified his dissent.] Well then, he was glad to perceive that the noble lord did not mean such an insinuation; and he had no doubt that the noble lord, in his reply, would take an opportunity to explain what he had said upon that note. If the noble lord did not mean to insinuate something of that kind, why else refer to the case of Davis, as contained in another part of the evidence? This referred to the testimony of that man, that a Mrs. Grove had made use of lady Castlereagh's name as concerned in the sale of writerships. This was communicated by Davis in a letter at the time when the committee was appointed, and his evident object was, that he should be put out of the way; and yet no sooner was the letter written to his noble friend, than he answers it with indignation, requiring Davis to state all that he knew of the circumstance; and his noble friend, besides, immediately submitted the whole affair to the East India Committee, which was then sitting. There could be no doubt, then, of his noble friend's sincerity upon this point,

and there was nothing to warrant the inference which the noble mover meant to convey. For his part, he felt most strongly that any charge of this kind was totally unfounded, and was confident that the house would be of a similar opinion. He felt also confident, that, even if the house thought it necessary to pass a censure on the conduct of his noble friend, yet, under all the circumstances, they must feel regret in doing so; and even when they censured his political conduct, they must yet do the justice of freeing his moral character from all imputation, and in which case he would still be justified in calling him his friend. With regard to the noble lord's propositions, he should say, that the first was true in words, though false in effect, and that the 2nd was both verbally and virtually unfounded. The first Resolution did not state the conduct of his noble friend, as accompanied with those qualifications which attended it. It was quite evident that the Writership was not placed at the disposal of lord Clancarty for the purpose of general barter or sale. He felt quite confident, that if the house agreed to entertain the Resolutions at all, they must be considerably amended; for it was evident that the negociation did not fail from the conduct of the subordinate agents, since the fact was, that Reding had no seat whatever to dispose of, and that lord Sligo had also none. These two propositions of the noble lord he could not assent to. Yet still even upon the face of the transaction itself, and such as it was upon the evidence, he was prepared to admit that the act itself was offensive in its nature, and in itself not an unfit subject for parliamentary opinion. Even this was acknowledged by the noble lord himself, that the transaction was not justifiable.—The right hon. gent. then proceeded to expose the conduct and views of Mr. Reding in the use he made of the name of the Marquis of Sligo. He objected to any attempt at aggravation, on the ground of any particular office held by the noble lord. It was a question of abuse of patronage, and was not altered by the circumstance of a particular place held, whether of President of the Board of Controul, or of Secretary of State. In either case, the patronage was a trust to be exercised. It had been stated correctly, that the punishment should be appropriate to the offence. The censure contained in these Resolutions would convey a slur upon the character of the noble lord, the effect of which the house would see and contemplate. If the house was prepared to pass such a sentence (and he did not know in what milder terms it could be conveyed), they must see that it must end in the removal of the noble lord from his official situation. Thus it would be made as severe a punishment as could be inflicted, even had the imputed offence been actually committed. Lord Castlereagh never appeared in the transaction, but in a moment's conversation, until the close. His lordship indeed stated, that the person to be appointed must be a proper person, one who was sufficiently qualified for the situation. The affair could not have been completed, without giving his lordship full time to review the whole and to make every proper enquiry. There were shades of offence, and the present was by no means of that nature as to call for that sort of censure which would amount to political extinction in that house. Let the house consider dispassionately whether it was that sort of case that called upon them to institute any proceedings, or to record any censure. It had been compared to bribery. How would the case stand in that respect, if a charge were made where there was no bribery committed; and which had occurred two parliaments ago? Could the house, in such a case, think it necessary to pronounce a judgment on the transaction? The noble lord (A. Hamilton) had spoken of his (Mr. Perceval's) trap, and wondered what he would have said had he caught his colleague. He could only say that he should have been very much surprised: but, yet let the noble lord recollect that he had laid his trap so widely, that if his colleagues had been guilty, assuredly he would have caught them.—The house had been called upon to record this censure and to consider the means of making themselves respected. He thought, however, that the house was most likely to create a due respect for itself, not by endeavouring to promulgate its laws by punishments, but by enactments: not by taking up a case marked by so many circumstances of limitation and mitigation, as the present must unquestionably appear to be. There was no privilege violated; there was no seat obtained. All rested, at the most, in the mere intention and nothing in fact, and yet the greatest severity was to be inflicted. It was far, indeed, beyond what the nature of the case could require.—The right hon. gent. concluded, by expressing his wish to proceed to the order

of the day, not on account of its peculiar importance, but because he thought that, upon a fair and impartial consideration of the present question, it did not require any further investigation or proceeding on the part of the house of commons.

Mr. *Ponsonby* was disposed strongly, upon a case of this delicacy and importance, to exercise all those feelings of generosity which it was calculated to excite; and if he should fall into error in the course he was about to pursue, it would be error on the side of lenity rather than severity. It had been stated by the right hon. (the Chancellor of the Exchequer,) that the fact urged against the noble viscount was merely a parliamentary offence; whilst the hon. gent. under the gallery, (Mr. Manners Sutton,) had declared that the only way in which the house could do its duty to the public would be by passing an adequate judgment upon that fact; and yet both gentlemen proposed that no judgment should be come to upon the subject, but that the house should pass to the other orders of the day. He was sincerely disposed to take the mildest course that the nature of the case would admit of. The right hon. gent. had said that the Resolutions of the noble lord would go to inflict as heavy a punishment as could be imposed, if the offence had been committed with the most criminal intention. But might not the noble lord have proposed to follow up his Resolutions with a motion for the expulsion of the noble lord, or for an address to his majesty for his removal from his presence and councils for ever? The question was then, whether with the fact so fully admitted, that house could, consistently with its duty, pass the matter wholly by? In his opinion that was impossible. In proposing to dispose of the Writership in the manner stated in the evidence, the noble lord had not been simply guilty of an abuse of his patronage as a servant of the crown; he had been guilty of a violation of the East India act to a peculiar degree, by doing that, which it was the object of that act to prevent, in applying India patronage for purposes of parliamentary influence. His conduct was not only an offence, but a perversion of the duties of an office created to prevent such perversion. It had been said, that the first Resolution was false in sense, and the second false in sense and in fact; but if the whole of that were to be admitted, what argument would it afford for passing to the orders of the day? It would be rather an argument for the amendment of the wording of the Resolutions.—He had been engaged in a long course of political hostility to the noble lord, and more particularly relating to the measure of the Union; but he trusted that on this occasion he had repressed every hostile feeling, and was only actuated by a sense of what he thought due to the character and purity of the house of commons. He meant not to allude to any clamour which might be excited among the people; popular clamour ought never to be mentioned when the character and honour of an individual were at stake; but nevertheless the house were bound to give their verdict upon their honour; and he felt himself justified in saying that the noble lord had been guilty of a parliamentary offence, which in its effects and example could not fail to prove highly pernicious, in as much as the character of parliament, both now and at all times, must depend upon the purity and independence of its members.

Mr. *Bankes*, as Chairman of the Committee, felt it necessary for him to say a few words upon the question, in consequence of some allusions which had been made to the conduct of the Committee. The noble lord who brought forward this subject, had, towards the close of his speech, made an observation expressive of surprise that the Committee had not mentioned this case in their Report, nor accompanied the Evidence upon it and other Cases with any remarks; and appeared to think that the question ought to have been taken up by the Chairman, or some other member of the Committee, rather than be left to the house at large to take up. But in his wish to promote his own object, the noble lord forgot what the Committee had been appointed to do, and the instructions under which that Committee acted. This case was not within the purview of the Committee, which was confined to the Abuses of East India patronage as connected with the conduct of the Directors: and to effect that object, he as chairman of the Committee was obliged to come to the house for fresh and more extensive powers. The same cause prevented the Committee from reporting upon other transactions which had been brought before them, though the evidence had been printed, and given rise to much surprise on the part of many persons whose names were inserted in the evidence. The Committee, when it found that no corrup-

tion was to be traced to any Director or other party, closed the case there, and did not think themselves authorized to go into the private parts of such cases; and, as they could not suppress any part of the evidence, hence it was that the names he alluded to appeared in the minutes. It was matter of sincere regret, that in times like the present, there should be in this country a busy and active class of men, who took every opportunity to vilify every thing that was high, and to degrade all that was eminent in rank in the country. He was sorry to see that this Report had been used for that purpose. He had seen the evidence garbled, maliciously garbled, with a view to vilify the members of the royal family. He had seen the evidence of Mr. Fuller respecting a negociation for a Writership, which was said to be expected to be procured through the Duke of Cambridge, given so far as it could tend to make an impression, as if that royal personage had been concerned in these transactions, but leaving out altogether the declaration of Mr. Fuller, that he was thoroughly convinced his royal highness knew nothing of the circumstance.—The hon. gent. then proceeded to observe upon a similar mutilation of the evidence in a case in which the first subject in the realm was said to be concerned, and expressed his opinion that the house ought to set a strong mark upon this attempt to degrade and vilify all that was eminent in the state. The hon. member then commented upon the circumstances, under which the names of two members of that house, and of the marquis of Sligo, had been introduced into the Minutes; and accounted for the insertion of their names on the ground, that, though it appeared they had not been parties to any improper transaction, yet, as their names had been mentioned in the course of the progress of the inquiry, the Committee did not consider themselves at liberty to omit any part of the Evidence. It would be most agreeable to him if he could either agree to the Resolutions of the noble lord, or be contented with the course proposed on the other side. He thought the punishment which the former would inflict was inadequate to the offence, and greatly disproportioned to the case; and the latter would not be sufficient for the dignity of that house, if they should pass to the other orders of the day from a charge where the facts were proved upon such incontrovertible evidence. He agreed with the whole of the speech of his right hon. friend, and contended that upon every principle of law a distinction should be taken between an offence existing only in intention and an offence actually completed. If the first Resolution, therefore, should be amended by the introduction of the proper qualifications, it should have his support, and then he should propose to add a Resolution, "That it was the duty of that house to be jealous of its independence, but at the same time that it appeared that the said negociation rested merely in intention, and had not been completed; and that, therefore, that house did not think it necessary to direct any penal proceedings." This was what struck him as the most eligible course to be pursued, and he should therefore move this Resolution, if the noble lord should agree to an Amendment in his first Resolution, but to the second and third Resolutions he could not agree.

Sir *Francis Burdett*, at that hour of the night, and after the very able speech of the noble lord who had opened the debate, as well as the able speeches of many gentlemen below him upon the floor, did not mean to trespass at any length upon the attention of the house. At the same time, the question was in itself of such importance, and so much had been said in extenuation of the case, founded upon the admission of the noble lord, and some observations which had fallen from the hon. gent. who had just sat down were such, that he was induced to trespass a short time upon the indulgence of the house, even at that late hour. If it had not been for the general gravity of that hon. gent., and the serious manner in which he had produced these observations to the house, he should have supposed that there had been something ludicrous in his statement, from the effect it appeared to have produced upon the faces of the right hon. gentlemen opposite.—With respect to the question before the house, he could not see any objection to the original Resolutions proposed by the noble lord. As to the objections which had been taken to the second Resolution, that it was not founded in fact, he must observe, that though it was not exactly made out by the evidence, yet it would be very easy to amend it; because the fact was, that the negociation had actually failed, in consequence of the inferior agents not having been able to accomplish what they had undertaken. Did the noble lord perceive the impropriety of his conduct, and stop short in his pro-

gress to its accomplishment? No such thing; the offence, as far as he was to act, was intentionally committed, and he had no plea of extenuation, because it ultimately failed from the inefficiency of minor agents.—It had been argued, that if the noble lord had been aware of the character of Reding, or had an opportunity of again turning his attention to the transaction, it could never have taken place. But it would, indeed, have been surprising if the noble lord should not have broken off the business in the event of his having discovered the character of a man who was endeavouring to trick him. The hon. gent. who had just sat down had thought proper to make an allusion to a set of persons, what persons he could not tell, who were busy and ever active in decrying all the rank, and running down all that was eminent in the state. It was with regret he heard such an accusation proceed against any description of the British people from that hon. member. He had often heard complaints made in that house against calumniators and libellers, but highly as he valued the privileges of parliament, he knew of no privilege that would entitle any member to calumniate any class of his majesty's subjects. He knew of no right, that any gentlemen could claim to utter misrepresentations against whole classes of the people of England, especially when so much mischief was likely to result from such calumnies going forth to the public. It was peculiarly hard that such a course should be adopted; it was particularly so at a moment, too, when, (as he must be permitted to state, even within the walls of that house), the character of parliament did not stand as high in the country as it ought. Under such circumstances, he thought it unfortunate, for that house, as well as injurious to the British public, to calumniate any class of the people of England, by whom, as far as his observation enabled him to judge, such calumnies were wholly unmerited.—Having made these observations, he would leave it to the house to judge how unfair it was to deal out insinuations against whole classes of the people, or whether it would not have been more candid and manly to name the persons at whom such observations were applied. He was convinced upon the result of all that he had an opportunity of observing, that there was no set of men in this country disaffected to the government; and to make an assertion that there was, would be as injurious to the people, as it would be dangerous to the security of the throne, and hostile to the constitution and the interests of the country. He had attended particularly to every thing that had been said by the noble lord in his defence, or rather in his confession, and whatever difference of opinion might appear to exist in the house as to the degree of his guilt, it appeared to him to be an aggravated case. It appeared to him to be an abuse of the patronage of a minister with a view to make an attack upon the independence of parliament. If a minister were proved guilty of such an offence, was the house not to say that he was so guilty? It was not now a question of punishment; or if the removal of the noble lord from office was to be considered a punishment, this was the first time that he ever heard of its being a punishment to be out of office. The noble lord had said that his object was, in disposing of this writership, to procure support for government, that is, for the administration, because that was the way in which he confounded the government with the administration. But as the noble lord had given them to understand that he would still think that a justifiable mode of disposing of his patronage, it was the duty of that house to guard against such abuses. The patronage of the state was the property of the public, and ought to be fairly and impartially distributed amongst the people. If ministers had attended more to this principle, and less to the practice of exclusively promoting their particular connections, there would have been a benefit to the public service, and certainly less disgust existing out of doors at the manner in which this patronage had been hitherto disposed of. The noble lord had complained in some measure, that he had been convicted solely upon his own evidence; but he would leave it to the house to decide whether there could have been stronger evidence produced? Yet whilst the noble lord rested so much on the circumstance that his conviction was not supported by any evidence but his own admission, he had still endeavoured to maintain that there had been nothing blameable in the transaction, as he wished only to bring his friend into parliament, that he might have his assistance in their common department. That statement was sufficient alone to shew that these Resolutions ought to be passed. If the noble lord could pervert his official patronage for the pur-

pose of bringing a friend into parliament, that was, in his mind, a heavy offence, such, he was convinced, as that house would consider no other heavier. The right hon. gent. had complained that the hon. gent. on the floor (Mr. W. Smith) had made an allusion to the transactions in which the noble lord had been concerned at the time of the Union. He could not see any hardship in such an allusion, when the noble lord and his friends had laid so much stress upon the purity of his motives. It was natural, in answer to such a defence, to refer to transactions that would shew that such purity of motives could not easily be imputed to that noble lord. It might be urged against him as a want of candour, but he could not conceal that he did not give the noble lord much credit for purity of motives. He should still continue to watch with that jaundiced or jealous eye, which had been sometimes imputed to him, all the conduct of that noble lord; and having caught him in one instance tripping, he should therefore jealously observe his future measures.—It had been contended, that the offence, in this instance, was not as heinous as the taking a bribe at an election: but the house would never by its vote upon the present question, sanction the opinion, that it was ready always to punish the petty offenders in retail, at the same time that it passed over this wholesale trade in corruption without animadversion. The noble lord had stated, that if the transaction had proceeded, he would have taken care that none but a proper person should be appointed. But the law does not allow any man, however proper, to be promoted for a bribe. Yet, had not the noble lord pointed out the particular political principles which his proper person was to entertain? Had he not described the connections, and mentioned the support that was to be expected from him and them? Would the connection of any gentleman, who, in the performance of his duty in that house, should oppose the noble lord, have been a proper person, according to his idea of such a one, as he should deem a fit object of his patronage? It was this gross partiality in the selection of objects, and the still grosser motives that guided the selection, that he looked upon as the most dangerous circumstances in giving to any minister the unlimited disposal of the patronage they possessed. Every thing, therefore, shewed how necessary it was to pass the Resolutions of the noble lord.—Some gentlemen had taken occasion, and very properly taken occasion in this discussion, to make some observations upon the necessity of a Parliamentary Reform. His own opinion upon that subject was well known, and he was convinced that nothing could tend more to shew the necessity of such a measure, than if that house should pass from these Resolutions to the orders of the day. In supporting the Resolutions, therefore, he was certainly most disinterested; because he was most sincerely a friend to reform. He should be happy to see reform brought forward by his majesty's ministers, because in such hands it would be productive of as much good, as would spring of mischief from the blind resistance to practical reform proceeding from any other quarter. He would particularly, therefore, rejoice to see his majesty's ministers bring forward a plan of reform, which would come with grace from them, and be received with gratitude by the people. The opinion of the necessity of a reform in parliament was at present so general, the only difference prevailing upon the subject being only as to the precise plan, that some reform must necessarily take place. This was particularly desirable at this time, when committees of that house were every day bringing to light abuses that were concealed from view; when the weight of the taxes were only to be equalled by the severity of their collection; when what was granted liberally was expended prodigally; and when there appeared no disposition to retrench or to limit unnecessary expenditure. Under such circumstances, a reform was essentially necessary, and at such a moment he regretted that any gentleman of such respectability as the hon. gent. (Mr. Bankes) and who had rendered such important services, too, in the various committees of that house, should have spoken of a class of the people of this country, in such a manner, that, with all his respect for him, he must say, he had grossly misrepresented them.—The hon. gent. said, that the noble lord ought not to be punished, because the offence had not been completed. But, the question was not then a question of punishment. All that was proposed was, to guard against his majesty's ministers future conduct; it was only proposed to provide, that similar effects should not in future arise from similar causes: and the more especially, as it had been that night admitted and argued on the other

side of the house, that the corrupt abuse of patronage in support of administration was not blamable. It behoved that house to shew to the public that it was not inattentive to its interests; and to guard its own character from the imputation that whilst it punished petty offenders in detail, it was reluctant to inflict the same punishment upon an offending minister. Was not the Plymouth Tinman's case in the recollection of the house; and with such an example before their eyes, could they hesitate to vote the Resolutions against the noble lord? Complaints had been vented against the press; but if men of rank would do their duty, they might bid defiance to the press. It was not their rank, but their vices that provoked the animadversions of the press; which would ever be ready to pay the tribute of its admirations to their virtues. In this thinking, this rational, this reflecting country, they had but to do their duty, and they would ensure the approbation of their countrymen. If any plan of reform should be proposed, he besought the house to entertain it with temper, and abstain from all imputation of disaffection to those who might propose it. He should not detain the house longer, but should most certainly vote for the Resolutions of the noble lord.

Mr. *Johnstone* said, he came to join in the discussion biassed in favour of the question; but he did not see that the noble lord, whose conduct became the subject of investigation, deserved all the disgrace and dishonour which had been attached to him. He preferred a moderate course of proceeding towards the noble lord. He agreed with the mild maxim of Hume, that the most moderate measures were the most wise.

Mr. *H. Lascelles* said, the crime imputed to the noble lord was not dissimilar to a political offence committed by the late Mr. Pitt, for which parliament granted him an indemnity. He could not vote for the Resolutions, as they imposed a censure disproportioned to the crime. Still he was of opinion that the transaction was of such a nature as not to be passed over with total impunity.

Mr. *Windham* felt it necessary to explain his reasons for the vote he should give, or rather for the vote he should not give. Neither the original Resolutions, nor the motion made by a noble lord on the other side, were such as to induce him to give his support to either. He could not agree that they should pass to the order of the day, as it would expose them to misconstruction. On the other hand, the Resolutions of his noble friend were too strong and disproportioned to the offence. Two courses lay open; either to vote for neither, or to vote against both. The most regular way would be to oppose the motion for the order of the day, for the purpose of pursuing the medium course that was proposed. The house, in giving their decision, were called upon, in his opinion, to distinguish between the act and the offender. Should they pass to the order of the day, he feared it would be regarded as an implied approbation of the principle. He would admit that any attack on the privileges of that house, or the freedom and purity of elections, was a very fair and fit object for parliamentary cognizance. He would be glad to know how far the principle was to be carried? Whether it was to apply to any man influencing or endeavouring to influence a vote, or procure a seat under certain circumstances, or whether it was meant to limit it to ministers? He feared his noble friend had taken his principle too wide. If he meant that it should be declared criminal in any man to endeavour to obtain a seat in that house under those circumstances with which they were all acquainted, that would embrace much more than this motion. There was not a place in the kingdom that sent members to parliament to which, with perhaps the exception of Old Sarum, it would not apply. When they were called upon to condemn so violently the noble lord, they would do well to ask themselves whether they would hesitate for the purpose of securing an election to recommend a friend to government. From the evidence, it did not appear that the offence imputed to the noble lord was even inchoate in intention. It was certainly incumbent on the house to give an opinion on the transaction, but not too strong an opinion of the man. It certainly was not the intention of the noble lord, from what he could collect, to put a person in this place to answer an improper purpose. An hon. member (Mr. Bankes) had been accused of calumniating classes of the people, and he had been called upon to name those who under the mask of reform were endeavouring to subvert the constitution. Now, though there might be no difficulty in naming individuals, there might be a great deal in naming classes. But it was notorious that there

were many hundreds, and he feared thousands and tens of thousands who speculated upon a change. Some of these might be influenced by worthy motives; he had no doubt there were; others with different views, who wished to throw all into confusion, and take their chance, as it is called. Some were hostile to this; some to that. Others were so extravagant, that they were only doubtful where to begin, and what to do. But he trusted that whatever government was in the country, would be strong and firm enough to resist. The moment a single brick was taken out of the building on this principle, the entire ruin of the edifice must follow. Such reform would inevitably terminate in revolution. As to parliamentary reform, he never saw any change that was proposed which had either common sense or practicability to recommend it.

Mr. *Whitbread* moved that the Resolution passed by the house in 1779 be read. That Resolution declared it to be a high crime and misdemeanor in his majesty's ministers or servants under the crown, to interfere in the election of members of parliament. Such interference was evidently an infringement of the liberty of the subject, and dangerous to the free constitution of this country. He called on any man in the house to lay his hand on his heart, and declare whether the offence with which the noble lord was charged did not come under that Resolution. If it did, was it possible to pass to the order of the day, after the confession which they heard from the noble lord, after his pathetic appeal to their feelings, after he threw himself, in fact, upon their mercy? He certainly had not much prejudice in favour of the political opinions of that noble lord; but there was something in his manner of leaving the house that almost wholly disarmed him. He had attended closely to the speech of his noble friend who had made the motion, and listened to it throughout with feelings of approbation; but he must say, that the manner in which his noble friend's propositions had been treated was calculated to produce a very unfavourable impression on the public mind. The offence was one of a very serious nature, and the house had not to enquire whether it had been committed. The fact of the negociation was admitted by the noble viscount; but thought he had unequivocally confessed his fault, still it was the duty of the house to express their opinion upon his conduct. It was not sufficient to say that a corrupt purpose had not been carried into effect: that formed no excuse in other cases. Had not a Mr. Hamlin been prosecuted for offering a bribe to lord Sidmouth? and was not the unfortunate Mr. Beazly suffering for a similar proceeding towards the duke of Portland? Why, then, is it said that the noble viscount, who offered to exchange a Writership for a seat in that house, should escape all punishment? The house were told that they ought, in this case, to take a middle course, by which it appeared to be meant that nothing at all should be done. A learned gentleman (Mr. Croker), had talked about the sanction of precedent, as if it were a common practice to barter Writerships for seats in parliament. But no precedent of the existence of such abuses as those which had been proved to prevail, could excuse the house for not punishing offenders, when the cases were brought under their notice. The regret expressed by the noble viscount had also been urged as an inducement to the house not to pass a vote of censure on him. This, however, was a very weak argument in his favour. Did a judge, when trying a starving wretch for stealing, tell the jury to put themselves in his place, and to allow his temptation and contrition to be an excuse for his crime? When such practices were thus alluded to, and brought within the knowledge of parliament, it was impossible they could abstain from passing a marked censure on them. In this instance it was impossible not to adopt this noble friend's Resolution, or one of the same tenor. They had before them "*confitentem reum.*" The noble lord acknowledged the justice of the accusation brought against him. Lord Castlereagh acknowledged that he placed a Writership at the disposal of his friend, to enable him to obtain a Seat in parliament; lord Clancarty acknowledges the fact; the Chancellor of the Exchequer admits that it is a great political offence, and how, after these admissions, was it possible to pass to the order of the day? What, under these circumstances, were they to do? Why, save the character of the house: for if they did not, the house was gone! A bill of indemnity it was supposed might cover this, as well as other cases of the same sort. But it would be curious to see how a bill in the present case could be worded. Would it declare that because lord Castlereagh had confessed that he had been guilty, he was therefore indemnified.

An hon. gent. has alluded to some recent public meetings, which, he says, have passed Resolutions tending to degrade persons of rank, and public men of every description. He, however, had seen no Resolutions of the kind to which the hon. gent. had alluded; on the contrary, he found the people attached to the sovereign and the constitution; but it did not follow that that attachment should induce them to approve of all the abuses which had crept into the administration of the constitution. His right hon. friend had exclaimed against the activity of the enemies of the constitution. He did not believe there was any considerable body of men in this country who wished to subvert it. The people collectively were attached to the crown, they were attached to the person of the reigning monarch, and nothing but the egregious misconduct of his ministers, or those about him, could alter that attachment. He had once endeavoured to impress upon the house the necessity of a reform in the representation of the country, but from various circumstances into which it was not necessary to enter, the public mind was then diverted from that question to other objects. The converts to parliamentary reform were now, however, numerous in every part of the country, and if the motion which his noble friend had submitted to the house should be negatived, it was easy to predict that they would become still more numerous. His right hon. friend (Mr. Windham), had alluded to the state of the question of reform twenty years ago, but he begged of him also to reflect on the events which had occurred in Europe since that period; events which might be fairly ascribed to a pertinacious resistance of all reform. This unyielding spirit of opposition to reform had been the principal cause of the ruin of the continent. States had fallen, when a trifling concession might have preserved them. The states of Brabant, his right hon. friend would allow, might most probably have been preserved to Austria, had a more liberal policy been pursued by the cabinet of Vienna. With respect to what had been said of the various plans of reform, it was surely absurd to make that an argument for no reform at all. If his right hon. friend should again become a reformer, he was confident, that with his fertile imagination and sceptical doubts, he would be the last man in the country to know when or where to begin. He would tell his right hon. friend, however, that the necessity of reform was every day becoming greater; that the house must take up the question, and that if they must reform deeply, it was because they did not reform sooner.

Mr. Secretary *Canning* agreed with what had fallen from an hon. gent. on the other side of the house, that the character of the house was more to be attended to than the character of any individual whatsoever. He perceived, however, that every gent. who had spoken, entertained a due sense of the manner in which his noble friend had conducted his defence, and did not wish to press any severe sentence upon him. They might then take into their consideration, that the intention of the noble lord was never carried into execution, and that it certainly would have been retracted, if the noble lord had afterwards come to learn the character of the person, and the circumstances of the offer. No man could say the noble lord had conducted himself with contumacious contempt. He had expressed as much humility as he could, consistently with his own honour and the dignity of the house. Every liberal person would acknowledge, that there was a manner of recanting an error which became a man, and the noble lord had a claim on that ground to the good opinion of the house. He, therefore, in voting for the orders of the day, by no means thought the house thereby would pronounce that the case submitted to them was not of very serious importance, but that the voting for the other orders of the day was, according to parliamentary usage, a way of shewing that the house had taken the case into its consideration, and that having weighed all the circumstances, they did not think it necessary to come to any criminating Resolutions. In order, however, to express this opinion more clearly and unmistakeably, he would rather wish that instead of the orders of the day, a Resolution should be substituted, declaring that the house saw no reason for a criminating resolution. —Mr. Secretary Canning concluded, by stating, that when the present question was disposed of, he should submit to the house the following Resolution: "That it is the duty of this house to maintain a jealous guard over the purity and independence of parliament; but that this house duly weighing the Evidence before it, and all the circumstances of the case, and considering that the intention referred to in that Evidence was not carried into effect, this house does not think it necessary to come to a criminatory Resolution upon the same."

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Sir *C. Price* spoke for some time, but there was such a general cry of question! question! that we could not collect his sentiments.

Mr. *Tierney* said it was not his intention to offer himself to the house; but the Resolution of the right hon. Secretary had put the noble lord's case on a new footing. After debating the question several hours, the right hon. Secretary had brought forward the same Resolution proposed by an hon. member (Mr. Bankes.) The hon. gent. had perhaps over-heard some conversation, and finding the orders of the day would not do, because that motion could not be carried, he had brought forward his Resolution. He wished rather to be lenient than severe towards lord Castlereagh; but when so much had been said about the great candour of his defence, he must observe that in his defence he had only repeated what he had said before the Committee; and it must be recollected that the fact had been fully proved against lord Castlereagh in the Committee by the evidence of lord Clancarty and others, before lord Castlereagh had himself been examined. He did not see that it was any mitigation to say that lord Castlereagh had been so particular about the fitness of the person recommended, as those writerships were always given to boys, and the son of a chimney-sweeper might be just as fit as the son of a nobleman, if he had interest to get a recommendation. As the fact was not only clearly proved, but confessed, he could not see how the house could avoid expressing its displeasure. When the house ordered Mr. Davison to be prosecuted for a lesser offence, with respect to corrupt influence at elections, he could not see how, with any shadow of impartial justice, they could come to such a resolution as was proposed by the right hon. secretary.

Lord *A. Hamilton*, in his reply, denied that he meant to impute to lord Castlereagh any knowledge of pecuniary advantage to be gained by the business.

At half past two o'clock the house divided on the original motion.—Ayes, 167. Noes, 216.—Majority 49 against it.

The gallery was not re-opened to strangers, and the house shortly afterwards divided on Mr. Canning's Amendment.—Ayes, 214. Noes, 167.—Majority 47.

Mr. *C. Wynn* then proposed, that there should be added to Mr. Canning's Amendment words to this effect—"That the house was confirmed in its opinion, that it was unnecessary to proceed further in the case, from the openness which the noble lord had displayed, and the regret which he had expressed for his conduct." This, however, was negatived without a division. —Strangers were not again admitted, but we understand that Mr. Madocks stated his anxiety to assure the house, that it was his intention at no very distant day to submit to that house the motion of which he had given notice previous to the Easter recess relative to the great question of Parliamentary Reform.

List of the Minority.

Abercromby, hon. J.	Folkes, sir Martin
Adams, C.	Folkestone. visc.
Agar, E. F.	Forbes, viscount
Allan, Alex.	Gascoyne, Isaac
Althorp, visc.	Gell, Philip
Antonie, W. L.	Goddard, Thomas
Babington, Thos.	Godfrey, Thomas
Baker, J. (Canterb.)	Gooch, T. S.
Barham, J. F.	Gordon, Wm.
Bastard, J. P.	Gower, lord G. L.
Beach, M. H.	Grattan, rt. hon. H.
Bernard, Scrope	Greenhill, Robt.
Bernard, Thos.	Grenfell, Pascoe
Bewicke, C.	Grey, hon. Booth
Biddulph, R. M.	Giles, D.
Blachford, B. P.	Halsey, Joseph
Blackburne, J.	Hammet, John
Blackburne, J. I.	Hibbert, Geo.
Bouverie, hon. B.	Hippisley, sir J.
Bradshaw, hon. C.	Holmes, W.
Brand, hon. T.	Horner, F.
Brogden, J.	Horrocks, S.
Burdett, sir Francis	Howard, hon. W.
Burrell, sir C.	Howard, H.
Byng, Geo.	Howorth, Humph.
Calcraft, John	Hughes, W. L.
Calvert, N.	Hurst, R.
Cartwright, W. R.	Hussey, Wm.
Cavendish, ld. G.	Hutchinson, hon. C.
Cavendish, Wm.	Jekyll, Joseph
Clements, hon. J.	Keck, G. A. L.
Cochrane, lord	Knapp, G.
Cochrane, hon G. A.	Lambe, hon. W.
Coke, T. W.	Lambton, R. J.
Colburne, N. W. R.	Langton, W. G.
Combe, H. C.	Leach, John
Cooke, Bryan	Lemon, sir Wm.
Cowper, E. Sing	Lemon, John
Creevey, Thomas	Leycester, H.
Curwen, J. C.	Lloyd, J. M.
Davenport, D.	Lloyd, sir E.
Dugdale, S. D.	Longman, Geo.
Dundas, Charles	Loveden, E. L.
Dundas, hon. C. L.	Lubbock. sir John
Dundas, hon. L.	Lushington, S. R.
Estcourt, Thos.	Lyttelton, hon. W.
Ferguson, R. C.	M'Donald, James
Fitzgerald, ld. H.	Madocks, W. A.
Fitzpatrick, rt. hon. R.	Mahon, hon. S.
Foley, hon. A.	Markham, J.
Foley, Thomas	Marryat, J.

Martin, H.	Robarts, Abraham
Maule, hon. W.	Romilly, sir S.
Maxwell, W.	Saville, A.
Milbanke, sir R.	Scudamore, R. P.
Miller, sir T.	Sharpe, R.
Milner, sir W.	Shaw, Robert
Milton, lord	Shelley, T.
Montgomery, H. C.	Shipley, W.
Moore, Peter	Simeon, J.
Mordaunt, sir C.	St. Aubyn, sir John
Mosley, sir Ows.	Stewart, James
Mostyn, sir Thos.	Symonds, T. P.
North, D.	Talbot, R. W.
Neville, hon. R.	Taylor, C.
Newport, rt. hon. sir J.	Taylor, M. A.
O'Callaghan, James	Tempest, sir H. V.
Oglander, sir Wm.	Temple, earl
Ossulston, lord	Templetown, visc.
Palk, sir L.	Thornton, H.
Parnell, H.	Tierney, rt. hon. Geo.
Patten, Peter	Townshend, hon. W. A.
Peirse, Henry	Tracey, C. H.
Percy, earl	Tremayne, J. H.
Pendergraft, —	Vansittart, Geo.
Petty, lord H.	Vaughan, sir R. W.
Piggott, sir Arthur	Walpole, hon. G.
Pollington, lord	Wardle, G. L.
Ponsonby, rt. hon. G.	Western, C. C.
Porchester, lord	Wharton, J.
Price, Richard	Whitbread, S.
Prittie, hon. F. A.	Wynne, C. W.
Pym, F.	Tellers.
Richardson, W.	Hamilton, lord A.
Ridley, sir M.	Smith, W. (Norwich)

HOUSE OF LORDS.

Wednesday, April 26.

[America.] The Earl of *Selkirk* moved for an Address to his majesty, praying for some Papers relative to the Mission of Mr. Rose to America. These Papers were necessary to the discussion of his motion, and he thought there could be no objection to their production, as they had been already laid before the other house.

The Earl of *Liverpool* protested against the principle, that because papers had been laid before the other house of parliament, that therefore they were to be produced in their lordships' house. He contended that there ought to be some intelligible rule on the subject. For instance, in order to elucidate any Bill on the table, or with a view to a discussion of any subject, the discussion of which had been previously acceded to by ministers, papers were readily granted. In this case, however, he was wholly inimical to the introduction of the discussion proposed by the noble earl in his intended motion; protesting, as he did, against any attempt to take the negociation with America out of the hands of his majesty's ministers.

He must, therefore, oppose the production of papers moved for with a view to that discusssion.

Viscount *Sidmouth* expressed his astonishment at what had fallen from his noble friend, and contended that there were other cases besides those mentioned by his noble friend, in which, in conformity with the practice of the house, papers had been granted, and particularly for the purposes of inquiry and investigation. He thought in the present case, a mission having been sent to America which had failed, that there was no ground for refusing the papers asked for, with the view of explaining the circumstances attending that mission.

The Earl of *Selkirk* urged the propriety of granting the papers, the mission of Mr. Rose having terminated, and because he had reason to believe that ministers were on that occasion disposed to sacrifice the most important rights of the country. If so, would it not be fitting to address his majesty, praying him to maintain those rights, and in that case, would it not be proper to have before the house information upon the subject?

The motion was negatived.

HOUSE OF COMMONS.

Wednesday, April 26.

[Martinique Trade Bill.] Mr. Rose moved for leave to bring in a bill for regulating the Trade with Martinique.

Mr. *Marryatt* expressed his surprize, that when a deviation so great from the general colonial system was proposed, none of his majesty's ministers had thought proper to communicate to the house any reason for such deviation; he considered the price of sugars would be equally affected, whether those from Martinique were admitted only for exportation or for home consumption also: the not allowing the inhabitants of that island the privileges of other British colonies, might create disaffection, and was contrary to the spirit of the proclamation of our commanders.

The *Chancellor of the Exchequer* defended the measure, and contended, that the restrictions proposed on the Martinique trade would be beneficial to our own colonies, and was not aware that any proclamation had been issued, of which this regulation would be an infringement. He professed his readiness to discuss the measure on a future day, and only wished at present for leave to bring in the bill.

Mr. *Jacob* remarked, that the proprietors of West India Estates had always shewn a great degree of tenacity to maintain a monopoly of the supply of the British Islands, and that it did not appear their produce would be much affected, whatever regulations might be adopted with respect to Martinique; but as they entertained a prejudice on the one hand, and the inhabitants of Martinique on the other, it was the business of the house to legislate impartially between them. He felt it impossible not to lament the situation of our own colonies, the property of which was depreciated in a most ruinous degree. It would be no small alleviation to them if the importation of French brandies were prohibited: this would increase the consumption of rum, its natural substitute, and the production of our own colonies. Brandy was by no means a necessary of life, and by allowing its consumption we were benefiting the enemy. He gave government credit for their determination to prohibit its importation, but their views were in a great measure frustrated by the licences now outstanding circulated in different parts of Europe, and of which a shameful traffic was made.

Mr. *Rose*, in the present stage of the business, was willing to wave the discussion of Martinique sugars, but denied any assurance being given to the inhabitants that the island should in all respects be in the same situation as other British colonies. He asserted that no licences for the importation of French brandies had been granted for the last six or eight months, except in circumstances of peculiar hardship, when the brandies had been paid for by British subjects; and that even under those circumstances, none had been either granted or renewed lately, nor would they in future.

Mr. *Horner* contended, that the sale of licences had been carried to a great extent, and was an evil that much required correction: he did not altogether disapprove of making a distinction between Martinique and our other colonies, but it was of importance to ascertain whether any promises to the contrary had been held out by our commanders.

Mr. *Baring* coincided in opinion with Mr. Marryatt and Mr. Jacob in respect to placing the sugars of Martinique on the same footing as those from our own islands, and condemned the abuse which existed in respect to licences. He regretted that at a time when it was thought necessary for government to interfere so much in affairs of commerce, the Board of Trade was filled by noble lords and learned lords, and not by men of practical commercial habits.

Leave was given to bring in the bill.

HOUSE OF COMMONS.

Thursday, April 27.

[Campaign in Spain—Orders issued by Sir John Moore.] Mr. *Abercrombie* rose to make the motion of which he had given notice, relative to the general Orders issued by general sir John Moore at Salamanca, &c. in Spain. His sole object in moving for these papers was, that the character of that gallant and highly lamented officer might appear in its true colours. He did not apprehend there could be any objection to this motion, and should therefore mention the papers, viz. Copies of the general Orders issued on the 25th of October, 11th of November, and 23d, 27th, and 30th of December, 1808.

Lord *Castlereagh* said, he should be sorry to refuse any papers which might be thought necessary to vindicate the character of the gallant officer alluded to, but he must resist the motion; first, because the executive government could not comply with it. No such papers were in his office, nor did he know where they were, except they might be in possession of the adjutant-general in Spain. In the next place, he thought it a serious question of prudence whether such papers ought to be called for, as the orders of generals to the army under their command were conveyed in a tone which might be necessary to keep up discipline, and might not perhaps be quite consonant to the feelings of the house, and should not therefore be made public.

General *Tarleton* said, that if the noble lord would refer to the adjutant-general, he would easily find where the papers moved for were. As to the other objection to the tone of general orders, and their not according with the feelings of the house, he thought it very futile. They were always clear and concise, and so far not consonant with the long speeches in that house; but if those moved for were supposed necessary to clear up any doubts as to the conduct of the gallant and lamented officer alluded to, they ought certainly to be produced. He should therefore take the sense of the house on the question.

Mr. *Abercrombie* said, that as, contrary to his expectation, his motion was opposed, he would beg the attention of the house while he briefly stated his reasons for making it, and why he thought the objections of no weight against it. As to the first, it would be easy for the Order of that house to be directed to the adjutant-general, and if he had not the papers, then to the adjutant-general of the army in Spain. With respect to the second objection, of the tone of a commanding officer being different to what it would be if addressed to the house, it made, he thought, rather in favour of the motion; there could not, certainly, be any object which the house ought more to wish the knowledge of, than the state of the discipline of the army. As to the gallant officer who was the object of the motion, he was sure that brave general never wrote or expressed a sentiment relative to the army under his command, which he would not have published and wished to be known to the whole world. It was very well known, that a considerable alarm had gone abroad respecting the disorder and want of discipline in the army under the command of sir John Moore, which had shewn itself particularly in the retreat from Sahagun to Corunna, and that this want of discipline was not owing to general Moore. Now, if those Orders were made public, they would shew plainly and clearly that the fault was not with him. If the noble lord meant these orders should not be known to the public, and if it were true, as the noble lord had admitted, that every thing had been done by sir John Moore in the retreat from Sahagun to Corunna, that could have been done by the ablest general in any service, then the argument amounted to this, viz. that you must not hurt the feelings of the army, but you may sacrifice the honour and character of the officer who commanded. If any thing had been done by the gallant officer alluded to, which was at all faulty, it was entirely owing to ministers; and as he had, unfortunately for the country, fallen a sacrifice to the situation in which he had been placed by them, or by their adherents, it was extremely hard to sacrifice his character, as well as his life, to screen themselves. The whole of these Orders had been published in the newspapers, and if refused, that house would be the only place in which they would not be known. He wished, however, to place the character of the gallant and lamented officer, in its proper colours on the records of that house; and the production of these orders was the only way of effectually clearing it from the doubts that would otherwise be spread over it.

Mr. *Taylor* thought, as the propriety of sir John Moore's conduct appeared such that the public were generally satisfied, the production of the papers moved for seemed unnecessary.

Mr. *Horner* thought, that whatever obstacle from a feeling of delicacy might arise in some cases to the production of certain documents, none after what had already been produced could be supposed to exist in the present He thought they ought to be produced, to enlighten the public on a question so important.

Lord *Castlereagh* briefly replied, and gave it as his opinion, that such an inquiry at the present moment would be invidious and unnecessary.

A division took place, when there appeared, for their production, 37; Against it, 62; Majority, 25.

[Campaign in Spain.—Sir John Moore and Mr. Frere.] Mr. *Eden* rose to move for certain Papers relating to Mr. Frere's mission. After some preliminary observations, he stated, that Mr. Frere had written to sir J. Moore on the 23d of November, advising him to advance with his army. In answer to this letter of Mr. Frere's, sir J. Moore writes "I last night received a letter from the Supreme Junta. I have commanded sir David Baird to march back to Astorga, and have stopped the preparations for retreating." And this, it appeared, had been done at a period when there could, in fact, be no prospect of the British army being able to exert itself with effect. At this juncture, two persons (Thomas de Morla and the duke del Castell Franco) calling themselves the Supreme Junta, wrote a letter to sir J. Moore, dated the 1st of December, in which they stated, that they were much threatened by the enemy, that Castanos, with 25,000 men, and another army of 10,000 were falling back, and that they hoped he (sir John Moore) would fall back, and unite with their force. It had since appeared, that on the very day on which that letter was written, Morla had an interview with the French commanders; three days after from his conduct it should appear he considered all resistance as useless, and on the 5th (the day on which sir John Moore received the letter) the French were in quiet possession of Madrid. If it

had been the wish of Morla to decoy the British army into the power of the French, he could not have wished for an instrument more likely to forward his wishes than the letter which had been written to sir John Moore by Mr. Frere. And the subsequent conduct of Morla was such as to justify a suspicion that that was the fact. The situation of sir John Moore at that period was truly distressing: he found himself at the head of a British army in a foreign country, placed in such circumstances (though no fault of his) that he could not be cheered with any reasonable prospect of success. He knew the extravagant notions of Spanish enthusiasm that at that time so generally pervaded this country, and was aware of the censure he must, in all probability, incur if he consulted the safety of his army, by quitting the country without making any further effort in the cause. Yet happily superior to all these afflicting reflections, the gallant general determined to brave the transient obloquy that menaced him, by preserving his men. To this resolve we might attribute his avoiding the snare; but though the whole of his army were not decoyed into the power of the French, the disastrous battle of Corunna might be ascribed to the circumstances he had spoken of. The right hon. Secretary opposite certainly could not mean to say, at a time when Mr. Frere was so confident of the success of the Spanish cause, when he was so confident in the soundness of his own judgment, that he in a manner superseded the commanding officer, in a case which involved the fate of the finest body of troops that had ever sailed from England, that he never wrote in explanation of his conduct; it could not be supposed that he had failed to communicate to government his reasons for acting as he did, and if such an explanation had been transmitted, it was highly proper that it should be produced. The hon. gent. concluded by moving, "That an humble Address be presented to his majesty, that he will be graciously pleased to give directions that there be laid before this house a copy of the Letter from the Junta at Madrid, referred to by lieut.-gen. sir John Moore in his letter to the right hon. John Hookham Frere, dated Salamanca, 6th December 1808, and any information of which his majesty's government may be in possession relative thereto, or relative to the two Letters of the right hon. John Hookham Frere to sir John Moore, dated Talavera de la Reyna, the 3d of December 1808, and to the message which is stated to have accompanied those Letters."

Mr. Secretary *Canning* had already communicated to the hon. gent. that it was impossible to comply with his motion, because government had no such papers as he had moved for to produce. He left the house to judge of the candour of the hon. gent. under these circumstances, who seemed to have taken this occasion to throw out insinuations against Mr. Frere before the time for discussing the subject altogether had arrived. He had heard this with feelings which he would not trust himself to express. When the proper moment came he would endeavour to discharge his public duties and those of private friendship. He was surprised the right hon. gent. opposite (Mr. Tierney) had not called the hon. gent. to order when he was reading the extract from the letter of the Junta; he who had on a former occasion made so much noise about garbled extracts. That letter, however, was not in the possession of government; and as to the other part of the motion, all the communications of Mr. Frere on the subject were on the table.

Mr. *Tierney* observed, that the offence of his hon. friend had not deserved the wrath of the right honourable secretary. It was extremely proper to move for these papers, and to state the grounds of the motion, even though government had them not to produce; for it was very important to know that there were no such documents; and this fact did not operate much in favour of Mr. Frere. As to his calling his hon. friend to order, the right hon. gent. ought to be aware that there was a difference between reading an extract of a letter in moving for a paper, and the production of garbled extracts to form a foundation for a vote of the house. This was what they had complained of; for a Secretary of State might by this means give any complexion to the documents that would best suit his own purposes.

Mr. *Canning* stated that Mr. Frere had accompanied the Junta when they left Madrid, and could have known nothing of Charmilly, or the letter of Morla, had it not been that the Junta stopped at Talavera de la Reyna, on their way to Seville. Here Charmilly found him, when on his way to sir John Moore, with a direct communication, never intended to be forwarded through Mr. Frere.

Lord *H. Petty* did not know whether the right hon. gent. had attended to the extent of his hon. friend's motion. He wished he would state whether there was any communication from Mr. Frere relative to the two letters which he had sent to sir John Moore, and which had been received by him when Charmilly arrived?

Mr. *Canning* did not know of any.

Lord *Castlereagh* said, there were no documents at his office on the subject, either from Mr. Frere or sir John Moore. He wished to correct a mistake, which, he understood, to have prevailed. It had been said, that Charmilly went to Spain recommended by him. There was no foundation for the report. Charmilly had applied to him to be sent, but he had told him that he did not know of any service in which he would be wanted, and he really never knew that the gentleman was in Spain till the mention of this transaction.

Mr. *Whitbread* would reserve what he had to say on the subject of Mr. Frere's conduct till the proper time, but he supposed the right hon. secretary could not expect that any one would be prevented from saying of Mr. Frere whatever he would have said if he had not had the protection of the right hon. gent.'s friendship. There were two important facts, however, ascertained by this discussion; first, that Charmilly was the messenger to sir John Moore; and next, that the noble lord (Castlereagh) was still in office, in the face of a minority of 167. Many greater men had been driven out by a less formidable minority. But while the sturdy oak was rooted up by the storm, the pliant bulrush bent its head and recovered the shock.

Lord *Castlereagh* said, that he certainly was not disposed to retire on any suggestion of the hon. gent. As to Charmilly's being the messenger alluded to, he did not officially know any thing about the matter.

The *Chancellor of the Exchequer* said, that the majority of the house had voted that there was no reason why his noble friend should retire, and that the judgment of the house was to be regulated by its majority, and not by the minority.

General *Tarleton* observed, that what had been applied to Buonaparté might, with the alteration of a word, be applied to the noble lord. Buonaparté had been called the child and champion of Jacobinism: The noble lord was the child and champion of office. In order to shew how utterly unworthy of any trust or credit Charmilly was, he stated that he had refused to pay to a Mr. Devereux some money which he had lost to him at play, upon the pretence that he was a ruined man; although as had been afterwards ascertained, he certainly had the means of paying.

Mr. *Yorke* called the hon. general to order, on the ground that this had nothing to do with the question.

The *Speaker* said that it was difficult to know precisely, in some cases, the exact limits of order. The gallant general would use his own discretion.

General *Tarleton* proceeded. It appeared that this colonel Charmilly, had been the bearer of the dispatch to sir J. Moore; he therefore came before the house in that kind of military diplomatic character. Now when this colonel Charmilly was charged with his conduct to Mr. Devereux, what did he do? Why, simply denied ever having played with Mr. D. at all. The business was not proceeded in, owing to the interference of a very respectable man, the Compte de Vandreuil, who represented the total ruin in which it must involve colonel Charmilly. Such was the man whom Mr. Frere chose to authorise to interfere with sir John Moore!

Mr. Whitbread and Mr. Canning mutually explained; after which the motion was put and negatived without a division.

[Newspapers.] The house having resolved itself into a committee,

Mr. *Huskisson* stated, that according to an agreement entered into, in the year 1797, it was stipulated that the proprietors of Newspapers should be allowed 12 per cent duty on stamps, provided they were restricted in the sale of their papers to the price of six-pence. They were to be allowed this discount provided the price did not rise above sixpence; but if it did, the discount was discontinued. This agreement, at the time it was made, was just, for the expences attending the publication were commensurate to the restriction. Since that period, however, owing to the rise in paper, the additional expence of labour, and a variety of other circumstances, the present profits were not adequate to the expenditure. It surely, then, could not be just to continue an agreement which had been made under very different circumstances from those now existing. Two modes were proposed, in order to meet the present circumstances. The first

was, to take off the discount altogether, and allow the proprietors of papers to sell at their own prices; the other was, to raise the limits of the discount: the latter method was in his opinion preferable, for though the consequence he had no doubt would be the raising the price of newspapers one half-penny each, still this would not place the proprietors in as prosperous a situation, owing to their additional expences, as they were in, in the year 1797, when the agreement was first made. In the year 1801, an additional duty had been laid on paper, and of course an additional discount was allowed; but the duty having been repealed, the additional discount was also taken off. He then moved, "That leave be given to bring in a Bill in order to amend the 37th of George 3, relating to the restrictions on Newspapers."

Mr. *G. Johnstone* was surprised at the motion which had been made. He had rather expected that the discount would be taken off entirely, and that the price should remain as it at present was. Various circumstances concurred to shew, that newspaper proprietors considered they had a good trade of it. For instance, a paper had been lately set up, which thought proper to extend itself from four (the usual number of columns,) to five columns. It was, in his opinion, impossible that the size of the articles should be increased, unless the value of it rose in proportion. He did not see, then, if this was the case, why this additional encouragement should be given.

Mr. *Huskisson* said, that he for his part would be glad to take off the discount altogether, and leave the restriction in price to the fair efforts of competition. He was sure, however, that the immediate effect of that would be, the increase of the price to sevenpence. With respect to the objection of one paper having increased the number of its columns to five, the reason of that he supposed was, that its proprietors thought they should profit by the additional number of advertisements, in which the chief value of a newspaper consisted. This was the exact case, he believed, with this individual paper, which had been established by a body of auctioneers, who looked chiefly to advertisements. The great evidence of the burthen of the restriction was, that the aggregate number of daily papers was not increased since 1797. This was a fact which he had ascertained from the commissioners of stamps. It was very true, that a number of additional denominations of papers had been lately established, but still the risk attending such establishment was not less than that of a lottery, and had been often followed by ruin to the adventurers.

The *Chancellor of the Exchequer*, said, it was very true that an additional number of papers were continually appearing; but these papers were not diurnal prints, which incurred necessarily a very heavy expense in their establishments, but weekly and two days a week papers, which could glean their intelligence from the daily papers, without having to pay the sources from whence it was derived; of course, the circumstance of their appearance ought not to militate against the daily paper, which gave to them much of its advantages, while it could not extend any of its expences. The paper which had extended its columns to five was a daily paper, it was true; but then, in order to support itself, it was compelled to publish at an early hour, which early publication necessarily prevented it from participation in the sources of information from which other papers derive much of their interest; for instance, it was not able fully to give intelligence of what was passing in that house. He supported the present measure from an absolute conviction of its justice and its policy; for, surely, it would not be equitable to keep newspaper proprietors to the strict limitation or letter of an agreement, when the foundation on which such agreement stood had sunk. Why should they be restricted in the price of their paper, when the expence attending it had been extended? Papers which had a variety of advertisements might profit by it, but that was the result of much labour and a long establishment, and was at all events no reason why those which had fewer should suffer. A multiplicity of papers were now printed in this town, but such speculations were extremely hazardous, and were often kept alive at absolute ruin from too long protracted hope and a natural disinclination to dissolve a regulated establishment.

The question was then put and agreed to.

[Sale of Offices Prevention Bill.] The Chancellor of the Exchequer moved the order of the day for the house resolving itself into a Committee on this bill. On the motion for the Speaker's leaving the Chair,

Mr. *Horner* expatiated on the impro-

priety of allowing offices in the courts of law to become saleable. This practice had been justly reprobated by all judicial characters, from lord Kaimes, downwards. The Committee of Finance in 1797 had disapproved of the custom, and had recommended strongly its discontinuance to the house. He merely threw this out as his opinion, for he did not mean to make any specific motion on the subject.

The *Chancellor of the Exchequer* agreed with the hon. and learned gent., that the subject to which he had alluded was deserving of consideration, and was of opinion that the house should come to some resolution upon the question in the present session. It would not be right to proceed further in the present instance without communication with the courts, with a view to guard, in any future measures, existing rights and vested property. In the last session, he had given notice of his intention in the present to bring forward a proposition for the increase of the salaries of the puisne judge, and he had to state, that that was still his intention. He thought it would also be right to increase the salaries of the Welsh judges, and of the Chief Justice of the Common Pleas, and of the chief baron of the Exchequer. He had not brought forward this measure at an earlier period of the session, because from the feelings which the mention of it seemed to have excited, he did not apprehend any opposition to it when he should propose to carry it into effect. But he trusted that the house would not think it necessary to make any provision respecting the sale of judicial offices, before this regulation should be adopted, but content itself with a resolution declaratory of its intention to take up that subject next session. In the exceptions, therefore, in the present bill, he proposed that these offices should be included, and should not propose to delay one year the consideration of the expediency of making some regulation respecting them, if that delay could effect or interfere with the administration of justice. But the offices were purely ministerial; and there were other judges in the different courts, besides those, who had the disposal of these places, and who could decide whether the persons appointed were adequate and fit for the offices. It was matter of surprise, that such places should have been excepted in the act of Edward vi.; but, as they had been so long excepted from the operation of that act, and allowed to be sold, it would not be just to take away the right of disposing of them without due consideration, and an adequate equivalent.

Mr. *Henry Thornton* observed, that in his idea the operation of the bill ought to be extended to sinecures in the courts, and offices sold by persons holding such sinecures. He did not know all the cases, or how many sinecures of that description existed, but he was confident that many offices were sold that did not belong to the courts of justice to dispose of. The Third Report of the Finance Committee contained a recommendation to abolish sinecures in the courts of law. The Committee of Finance in 1797, had also recommended the abolition of such places, the profits of which were then estimated at 26,000*l.* By the late Report, it appeared that the amount of these profits had since doubled. There might, perhaps, be room for further inquiry before any legislative measures should be enacted; but when it appeared that the profits of such places amounted to no less a sum than 52,000*l.* it was his opinion that this sum would afford a very ample fund to remunerate those whose property might be injured by taking away the right of selling judicial offices.

Mr. *Rose* stated, that there were many inaccuracies in the estimates of the Committee, and instanced one office, which they had sat down as one having 2,500*l.* profits, when the actual profits did not exceed 500*l.*

Mr. *H. Thornton* admitted, that some inaccuracies might have existed in the Report, which the committee was at present engaged in examining with a view to their correction, but still declared, that the gross amount of the profits of such places was such as he had stated.

Mr. *C. Wynne* thought, that not only the interests of the judges should be protected, but also the interests of other persons who held offices for life, and now exercising the right of selling offices in their departments; which right, he was of opinion, ought not to be suffered to continue. Nothing would more effectually contribute to make the public submit cheerfully to the burthens that were necessary, than that they should see that every saving of the public expenditure that was possible was resorted to.

The house then resolved itself into a Committee upon the bill, Mr. Wharton in the chair.—On the first clause for extending the operation of the Bill to all officers

in England and Ireland, an amendment was proposed by lord Folkestone, to insert the words "and in any part of his majesty's dominions or plantations." The Chancellor of the Exchequer replied, that the object of the noble lord was secured by words to the same effect in a subsequent part of the clause. Mr. Maxwell, in seconding lord Folkestone's amendment, proposed that the operation of the bill should extend to the sale of sheriff's clerkships, and offices under the keeper of the signet in Scotland. To which the Chancellor of the Exchequer answered, that the bill would extend, as worded, to all offices not legally sold in Scotland, and if the offices alluded to were of that description they would be included within the operation of the bill.—After a few words from Mr. Horner, stating that judicial offices were not enumerated in the bill, and a reply from the Chancellor of the Exchequer, that they were enumerated in the act of Edward VI. which was to be affirmed by this bill, the clause was agreed to without the amendment; and on the suggestion of the Chancellor of the Exchequer, the office of Treasurer of the Navy, which had been inadvertently omitted, inserted in the clause.—In the clause extending the operation of the bill to all offices, civil and military, the word "naval" was introduced on the motion of lord Folkestone.—A long discussion took place upon an amendment proposed by lord Folkestone to insert the words, "and all offices in the East Indies," which terminated in the adoption of the amendment, restricting it to offices in the appointment of the governor-general.

Lord Folkestone proposed, for the purpose of obtaining evidence, to give a reward to the informer, and to indemnify him or her as to any penalty to which they might be subject under the act; the reward to be paid by the person transgressing, and not to be less than 200*l.*—The Chancellor of the Exchequer objected to the amendment, and pointed out many inconveniencies that would result from its adoption. Lord Folkestone acquiesced in the objection, and suggested that the chairman should report progress.—On the motion of the Chancellor of the Exchequer, the clause relating to opening houses for the sale of places, and advertising and printing the same, was rejected; and two clauses introduced in place thereof.—The bill was ordered to be reported on Monday.

HOUSE OF COMMONS.

Friday, April 28.

[Application of appropriated or unappropriated Money.] Lord *Henry Petty* rose, pursuant to his notice of yesterday, to call the attention of the house to a subject which, in point of its principle, deeply involved their most valuable privileges. It appeared, by an account laid upon the table by order of the house, that in the month of May, in the course of the last sessions, a system had begun to be acted upon, which called for the most serious interpositon of that house: at that period money had been issued to foreign ministers without the consent of the commons house of parliament. It appeared that the sum of 5,000*l.* had been given to Mr. Chinnery, to be by him handed over to the Chevalier Souza, for the purpose of affording assistance to the Portuguese emigrants, and of defraying the expences of the passage of Portuguese families to South America. Upon the 3d of June following, another 5,000*l.* was devoted in a similar manner to the same object. On the 21st of July there was an additional grant, and afterwards, during the recess, several sums of money, amounting in the whole to 85,000*l.* As to the expediency of the issue then made, he was yet to learn, not having received any information respecting it; but this, however, he well knew, that there was not in the course of the late sessions any service voted to which such an application could have any reference; it was therefore his intention to call upon the house to come to a Declaratory Resolution, in the spirit of that principle adopted by their ancestors, and in conformity to that practical lesson taught them in the course of a contest for a century, with the encroachments of the crown, while parliament was sitting. For two months the public money was issued in different sums, without any application having been made to that parliament, though they were then sitting. He knew of no exception to the great rule, that was not made out by the most urgent necessity; a deviation had been made in cases of imperious necessity, but even in these there was no analogy to justify the proceeding of which he now complained. In the case of the 13th of May in the year 1711, the money applied had been voted by parliament, but the error here was, that it had been applied to a different service from that to which parliament had voted it, though the service to

which it was applied had been also voted by parliament. Such a case, which was only a transfer, could not be adduced as a precedent for the present one, where the service had never been voted by that house; had never been considered; had never been contemplated by it; nor were they to be told, that in consequence of the pressing exigencies of the times; of the critical state of public affairs; of the great necessity for dispatch, that it was extremely difficult to act up to the good old constitutional principles, of which that house was bound to be the jealous guardian. In proportion as they relaxed from those principles, in yielding to any sudden and uncontroulable necessity, in the same proportion should they watch and diligently pursue all such exceptions as might have inevitably occurred, that they might not be made precedents to justify cases not at all analogous. Till the year 1727 Votes of Credit never had been heard of, and such was the laudable jealousy of that house, that in the year 1737 (he believed) a limitation was imposed upon that vote of credit, which remains imposed upon it to this day. There was an exception, but it was one which gentlemen would not, he believed, be very forward to cite; it was that which had occurred in the course of the American war, and the committee upon it had pronounced the introduction of such a Vote of Service into the Army Extraordinaries to be a dangerous invasion of the rights and privileges of the house of commons. He was aware of the grant of money which had excited so much observation in that house, made by Mr. Pitt to the emperor of Austria in the year 1796; but in the amendment then moved upon the original motion, it was submitted, that the advance being made without the consent of parliament, was against the law of the land; this was admitted by those even who were the supporters of that minister upon that occasion. From this view, then, of the transaction, he could anticipate nothing that could possibly be urged in its defence, unless some plea of paramount necessity was made out in palliation of the offence. If, however, that plea was not made out, he hoped they would not be told of the comparative smallness of the sum by way of extenuation.—The sum was nothing, but the principle on which it was granted was, and ought to be, every thing in the eyes of those who were the constitutional guardians of the public purse. The noble lord then concluded with moving "That the applying any sum or sums of appropriated or unappropriated money to uses not voted or addressed for by parliament, during the sitting of parliament, and without any communication to parliament respecting the nature and amount of such issues, is a misapplication of the public money, and is contrary to, and dangerously invades, the acknowledged rights and privileges of this house."

The *Chancellor of the Exchequer* stated his surprise at hearing the noble lord say, that the grant of which he complained was unprecedented. If he had reverted to some of the grants voted during the time he was in office, he would find that there were some of an analogous nature. He by no means wished to contend the present question upon a recriminating principle, because he was aware that such an issue of public money could not be withheld without a great public inconvenience. What was the amount, either in expence or quality, of the present motion? It was no more than this, that on the 23d of May and the 3d of June, 1808, two sums of 5,000*l.* each were applied to the purpose of assisting those Portuguese who loyally and nobly preferred an emigration to the Brazils, rather than submit to the dominion of the enemy, by which their native country was subjugated. The objection was, to have the amount of that application brought before that house in the Estimate of the Army Extraordinaries. He could not see the validity of that objection. It was to be recollected, that the persons served were our allies, cleaving to our protection, looking to England for an asylum, and he was sure with the same expectation of protection as if they had found refuge in a British camp. It was under the reciprocal feeling both of the government which ordered the issue and of the unfortunate and loyal persons who were assisted, that the sums now attacked by the motion of the noble lord were conditionally issued to the chevalier de Souza. He would put it to the house to say, whether if any other means of pecuniary assistance were applied to that portion of our emigrating allies, suppose to the British commissary, there would be any opposition to such an application. But the noble lord complained, that it was a sum appropriated to one service and diverted to another. The answer to such complaint was, that it was an application truly referable to the Army Extraordinaries, inasmuch as was a pecu-

niary claim upon the country growing out of the circumstances and accidents of the war, and therefore ought to be met out of the fund voted for such extraordinaries. What, then, did the noble lord introduce by his present motion; Nothing less than a sweeping clause affecting not alone the present and past administration, but the very branch of administration which the noble lord had lately filled, and the very conduct which he himself had practised. He did not condemn that conduct, but at the same time could not suppress his surprise at the sudden disposition of the noble lord not only to find fault with his own acts, but finally to withhold the power of government to meet what the noble lord must know were most pressing exigences. He could not suppose that the house would concur in such a motion, and therefore moved the order of the day.

Mr. *Tierney* denied that there was any comparison between the sum of 85,000*l.* now voted in opposition to the appropriation of parliament, and the money supplied out of the Army Extraordinaries during the administration of his noble friend. The latter was a perfectly military application, with a view to future operations in Hanover, and under that impression, and for that object, the money was issued to count Munster. Besides, military co-operation was intended in Hanover under lord Cathcart. Would any man assimilate such an application of the Army Extraordinaries to the present one, of applying certain monthly sums to certain Portuguese emigrants, merchants, traders, &c. to the Brazils, men who had nothing to do with the army? The house had also to bear in recollection that it had voted in the same session a sum of 120,000*l.* for the relief of distressed Emigrants, and therefore to apply another fund for the relief of such persons, was nothing less than a gross deception upon parliament. But, at what time did the government make this undue application? Why, at the time that the same government announced to Europe, that it had dispensed a blessing upon Portugal, that it had released that people from the intolerable burthen of their invaders. So that poor England was to have the expence of conferring the blessing of expelling the enemy, and afterwards of paying for the passage and subsistence of the very Portuguese who ran away from this identical blessing. It was not true that these sums to the chevalier de Souza were paid before the Army Extraordinaries of the last session were voted. Two sums of 5,000*l.* each were voted on the 23d of May, and the Extraordinaries were not voted until the 25th following. It was therefore that he felt it his duty to pronounce such an application of the public money both unjustifiable and unconstitutional. In the army Extraordinaries of the last year the king's ministers had taken a vote of credit for 2,800,000*l.* and the claim now amounted to 4,100,000*l.* With such an excess beyond their proposed estimate, he could not but vote for the motion of his noble friend.

Mr. *Huskisson* contended that the periodical grants of 5,250*l.* to count Munster by the late administration, were in a great part for the distressed Hanoverians, and were, without any censure from the noble lord for that policy, analogous to the very issues of public money, of which he now so much complained. He begged leave also to state that a number of the Portuguese emigrants were invited to this country in order to be sent to the Brazils, by the proclamation of the commanding officer of the British fleet at that period off the Tagus

Lord *H. Petty* explained, that such part of the grant to Hanover that was made independent of the intended military operations under lord Cathcart, were for the enlistment of Hanoverian troops for our service. That he presumed was strictly a military application, and therefore ought to be estimated in the annual Army Extraordinaries.

After a few words from Mr. William Smith in support of the motion, it was put and negatived without a division.

[War Office Accounts.] Mr. *Wardle*, pursuant to notice, moved, That there be laid before the house a Return of all the annual Regimental Accounts now in the War Office, specifying which were separate and which not, and also which had been carried into warrant from the 25th Dec. 1797 to the 25th Dec. 1808, and specifying whether for cavalry, infantry, or militia.—The hon. gent. also proposed to move for an Account of the Deficiencies of the several paymasters within the same period. The reason why he brought forward this motion was, that he might call the attention of the house to the Sixth Report of Military Inquiry, as the papers on the table were not sufficient to place the subject fully in the possession of the house, and that, though the clerks in the War Office had been increased since 1797,

from ten to fifty, yet the accounts were as much in arrear as before this increase took place, and the business of the Office seemed rather to be impeded than promoted by this increase.

On the Question being put on the first motion,

The *Secretary at War* said, he had no objection to the production of these papers; but as the subject was under the consideration of the Commissioners of Military Inquiry, and the War Office was occupied in forming arrangements pursuant to the suggestions of that Report, and also of the 7th and 8th Reports, he put it to the hon. gent. whether he should not defer his motion for the present, until he should know what arrangements would be adopted, especially as the preparation of these papers might interfere with the time of the clerks, now usefully occupied in the projected arrangements.

Mr. *Wardle* had no desire to press his motion, if his majesty's ministers were resolved to oppose it. Why had they not made the arrangements alluded to, in all the period since June last, when the Report was laid before the house? He believed it likely, that no arrangement was in contemplation, till after he had given notice of this motion. But he could assure the house, that unless an entire change of system should take place, much loss would accrue to the public. What cost 50,000*l.* now, could be done for less than 30,000*l.* and this he would pledge himself to prove. He could not see why the accounts should not be settled here as well as they were in Ireland. He had been on both establishments, and had suffered, together with his regiment, by the failure of a paymaster, and the arrears of accounts in this country.

The *Secretary at War* conceiving himself personally glanced at by the observations of the hon. gent., begged to assure him, that on his coming into office he had seen the necessity of making some arrangement, and had been prevented from undertaking it only by the consideration, that the subject was in the hands of the parliamentary Commissioners of Military Inquiry.

The *Chancellor of the Exchequer* submitted to the hon. gent., whether, when he was informed that the subject was in a train of arrangement, it would not be better for him to defer his motion till he should see what would be done with respect to it. Then it would be in his power to bring forward any motion he should think necessary upon the subject.

After a few words from Mr. Horner and Mr. Whitbread, deprecating the postponement of the motion, unless upon an understanding that in the present session of parliament, the arrangement would be communicated to the house, or with a view to give ministers an opportunity of inquiring whether the papers could be produced without inconvenience,

Mr. *Wardle* declared that he had not meant any thing personal to the right hon. Secretary at War; neither did he feel any personal hostility to his majesty's ministers; for he could assure them that he did not wish to see any other set of gentlemen in their places. All he had in view in his motion was to shew, that there were faults in the conduct of the Office to which it referred, which faults he wished to have corrected. He would withdraw his motion until some day next week. The motion was then withdrawn.

HOUSE OF LORDS.

Monday, May 1.

[Portuguese Regency.] The Earl of *Buckinghamshire* said, that it was with reluctance he had given their lordships the trouble of an attendance on account of the motion he intended upon that occasion to submit to the house, but in truth, he considered the subject of Portugal so important, not only with reference to the arduous contest in which the people of the peninsula were engaged against the French, but to the essential and permanent interest of Great Britain, that he should neglect what he deemed an act of indispensable duty, were he not to bring the question, of which he had given notice, under their lordships' consideration.—He thought it necessary, as a preliminary observation, to declare his perfect acquiescence in the sentiments of a noble friend of his (lord Sidmouth), respecting the doctrines laid down upon a former occasion by the Secretary of State (lord Liverpool) with regard to the production of papers, and the right of the house to interfere in matters of pending negotiation. To the principles advanced by the Secretary of State, he never could agree in the extent to which he was disposed to carry them, inasmuch as they seemed to him calculated to circumscribe and limit the most important duties of parliament.—Upon the present occasion it was not necessary that

he should take up their lordships' time by combating them, as he was not aware that the papers for which it was his intention to move, would be objected to, upon any other ground than the inexpediency of producing them.—Lord Buckinghamshire then proceeded to make some observations upon the geographical situation of Portugal, its capability, from the strength of its military positions, to resist an invading enemy, and the disposition of the Portuguese people for the profession of a soldier. Portugal, he said, was so situated as to afford the readiest means of assistance to the Spaniards, either in the centre, the north, or the south of Spain; an advantage, in the present contest, the most momentous that could be conceived; and which was truly described by the Junta of Gallicia, when "they expressed to sir Arthur Wellesley the greatest anxiety, that the troops under his command should be employed in driving the French out of Portugal, as they were persuaded that the Spaniards of the north and south of the peninsula could never have any decided success independently of each other, and could never make any great simultaneous effort to remove the French from Spain, till they should be driven from Portugal, and the British troops should connect the operations of the northern and southern armies."—The success of the Spaniards, his lordship remarked, might thus be improved, and any reverses the French might meet with rendered fatal by a sudden and judicious movement of the British troops.—The strength of Portugal, he said, as a military position, was not only known to the professional men who had served in that country, but must be obvious to every one who had referred to the maps. Its defiles, its mountains, and its rivers, were most conspicuous features; which, added to the sterility of the soil in most of the provinces, were circumstances of infinite weight in a defensive campaign. A country that does not furnish subsistence to its inhabitants for seven months in the year, may easily be placed in a situation that would leave nothing for an invading army to live upon.—Without going further back into the history of Portugal than the seven year's war, the campaign under the comte de la Lippe will afford ample information as to the natural means of defence afforded by Portugal. That able general found the Portuguese army without discipline and without any officers of experience to form or conduct it; but the spirit of the people was roused, the confidence placed in him by the government was unlimited, the resolution to exertion most decided, and although he never was able to bring into the field an army of 17,000 men, 3,000 of whom indeed were British, contrived to baffle all the efforts, and defeat the plans of a combined force of 42,000 men, 6,000 of whom were French, under the command of the prince de Beauvais.—As testimonies of the hardihood, obedience, and bravery of the Portuguese soldiers, his lordship then cited the following instances—Lord Townsend, in a letter to the marquis de Pombal, of the 17th Feb. 1763, writes thus: "Notwithstanding all these fatigues and difficulties, the Portuguese soldier obeyed with the greatest cheerfulness; and I ought to add to his praise, that if he was ill clothed and ill disciplined, he was at the same time contented and subordinate beyond any thing I had ever seen in any part of the world. What advantages might not one expect from such a disposition improved by military art?"—Le Comte de la Lippe, in his memoire, speaking of a march made by lord Townsend, says: "This march was executed by the skill of general Townsend, and by the admirable perseverance of the Portuguese troops, who supported the greatest misery. The larger proportion of them having worn out their shoes, marched *gaiment* over steep rocks, leaving on their route the traces of their *pieds ensanglantes.*" A French author, the Duc de Chatelet, speaking of Portugal, expresses himself in the following manner: "The inhabitants whereof are naturally spirited, and in whom valour has escaped that torpor *(engourdissment)* which has nearly taken possession of all their other faculties."—Lord Buckinghamshire said, he had adverted to these authorities for the purpose of shewing what might have been done, had the proper measure been resorted to, for calling into action the resources which Portugal was calculated to afford; and, whilst he contemplated with satisfaction the steps which the government were then taking, he had only to express his hope, that they might not be too late.—He could not leave this part of the subject without stating to their lordships that he had seen a most able plan of an attack upon Portugal from Spain, written by a Frenchman in the year 1767, when calculating the Portuguese army at 30,000 men, he allots a force of 75,000 for the attack, judiciously tracing the

whole progress of the campaign, the preparation for which, he says, must be made before the breaking out of war, as it would be indispensably necessary to collect provisions for the whole army, urging as a consideration nearly conclusive upon the success of the undertaking, that it should be executed with a rapidity that did not admit of the arrival of British succours. If such was the opinion of a person whose work no man could read without the most thorough conviction of his capacity to form a correct opinion upon the subject—if an attack upon Portugal in order to be effectual, required such preparation, and such means, and that at a time when the Spanish government was undisturbed, when the attacking army was to be aided by a friendly country in its rear, and had consequently no precaution to take for the security of retreat in case of failure, to what degree would not the difficulties be increased by the actual state of Spain at the present moment?—His lordship said, he stated this in order to justify an opinion he had long entertained, that if the resources of Portugal had been wisely applied, the spirit of the people encouraged, a government established that was calculated to inspire their confidence, and an army, such as sir John Moore had commanded, sent for their protection, not only would that country have been rendered impregnable against any efforts the French could have made under the present circumstances, but the foundation laid of affording the most effectual support to the Spaniards which could be derived from external co-operation.—If, in the month of August, a blow could have been struck at the French army upon the Ebro, much might have been done to have prevented the disasters of the last campaign; but as his majesty's ministers had not judged it advisable to adopt that measure, Portugal was the point to which every national hope was directed, and where, indeed, advantages did actually present themselves of a nature so important and so evident, that it is utterly inconceivable how they should have escaped the notice of his majesty's ministers.—His lordship said, he should then proceed to that part of his subject which embraced the conduct which had been pursued in Portugal, founded upon the events that had taken place in that country.—It had appeared in papers before the house, that previous to the arrival of sir Arthur Wellesley with the force under his command, the disposition of the people of Portugal to resist the French, had been manifested in the most unquestionable manner. Sir Arthur Wellesley, speaking of the situation in which he found that country, says, "In respect to Portugal, the whole kingdom, with the exception of the neighbourhood of Lisbon, is in a state of insurrection against the French. The means of resistance are, however, less powerful than those of the Spaniards. Their troops had been completely dispersed, the officers had gone off to the Brazils, and their arsenals pillaged, or in the power of the enemy; and their revolt under the circumstances in which it has taken place more extraordinary than that of the Spanish nation." To these exertions they had been urged not only by their own feelings, but by the proclamation of sir Charles Cotton, dated the 4th of July, 1808, who thus addressed them:—"Some months experience must convince you of the effect of French friendship. It is now to British faith and assistance, aided by your own energy and efforts, that you will, I trust, be indebted for the restoration of your prince, and independence of your country." Thus called upon, such was the attachment of the Portuguese people to their prince, such was their sense of the oppression they were suffering from the French, and such was their reliance "on British faith and assistance," that in the month of July the provinces of Entre-Minho-y-Douro, Beira, and Tra-los-Montes, as well as Algarva, comprehending more than half the population of Portugal, were in a state of insurrection against the existing government. This was the situation of things when sir Arthur Wellesley landed, and which enabled him, with a force not otherwise equal to the attempt, to move forward for the purpose of meeting the enemy in the vicinity of Lisbon. The insurrection in Algarva had obliged Junot to detach six thousand men under Loisson, in order to collect provisions and disperse the Portuguese force; but sir Arthur Wellesley, with that promptitude and vigour for which his military life has been distinguished, attacked and defeated that officer at Roleia, before he could form his junction with Laborde, who was employed for similar purposes in the province of Beira. His lordship said it would be difficult to estimate the advantages the British army derived from the actual state of the country. Its effect, in the instance already given, has been shown; the organization

in the neighbourhood of Oporto had amounted, by official report, to above 25,000 men, a part of whom were armed and acting with sir Arthur Wellesley: but his lordship observed, it was not his intention to go into the history of the campaign. He should however have no difficulty in explicitly declaring that he wholly approved of every thing sir Arthur Wellesley had done, whilst he had the command, but that he could neither concur in the expediency of the armistice or convention. These measures were adopted under the contemplation of a campaign in the north of Spain, and taking Burgos as the point to which the march of the British army was to be directed, it would appear singular that an agreement should have been made with the French general, by which it had been so contrived, that the forces he then commanded, and which had been defeated by the British, should have been embarked for France, and actually have reached Burgos many days before the conquering army could have arrived there, even if it had met with no interruption on its march.—It was proved, his lordship said, by the papers on the table, that general Junot was at Vittoria with the division which had served under him in Portugal on the 12th of December, the earliest day on which sir John Moore could assemble his army at Salamanca; volumes could not more fully illustrate the impolicy of the convention. Were it necessary to go further into that subject, lord Buckinghamshire said it would be sufficient to refer their lordships to the unanswerable reasoning of the Earl of Moira in his protest against the opinions of the majority of the Court of Inquiry.—It would be recollected, his lordship proceeded to observe, that in the month of July official representations had been made to his majesty's government, that the people of the north and south of Portugal, having followed the example of the Spanish nation, had established juntas. That of the north having been designated the Junta of Oporto, acknowledging the bishop of Oporto as the head of the government; and that of the south the Junta of Algarva, with the count Monteiro Mor as their president. With the knowledge of the existence of these juntas, when the expulsion of the French army from Portugal might confidently be expected, it became the duty of his majesty's ministers to consider in what manner it would be most advisable to form a provisional government in that country, until the subject could be submitted for the decision of the prince regent; and with a view to such an arrangement as would appear most likely to be satisfactory both to the prince and the people. The knowledge of the opinions of the representative of the prince regent, who was in correspondence with him and the juntas, did seem to present the most easy and natural course for arriving at a right determination. Unfortunately however a measure had been resolved upon, to which it was known that the representative of the prince regent could not give his sanction. It was matter of notoriety that the whole of the regency left by the prince for the purpose of preserving his interests, and those of his faithful and loyal subjects who had accompanied him to the Brazils, had betrayed their trust in a variety of instances; amongst others in giving effect to a decree for confiscating the property of absentees from Portugal, and issuing a circular letter to the ministers of the prince regent at the several courts of Europe, directing them to discontinue their diplomatic functions. With such information respecting the conduct of the regency, it was not possible the Portuguese minister in London could sanction the appointment of any of the persons composing it, as a part of a provisional government; and as the circumstances alluded to were known to every merchant connected with Portugal, his majesty's ministers cannot be supposed to have been ignorant upon the subject. It has, indeed, been admitted by his majesty's ministers that instructions were issued to sir Hew Dalrymple to reinstate the regency; and although he excluded three out of the five obnoxious persons, yet as the remaining two were actually included, it was not surprizing that when the people saw the whole power of the government vested in those persons, that they should be alarmed and disgusted (as neither the bishop of Oporto, nor the count Monteiro Mor would act with them). Indeed, his lordship said, the conduct of this regency, immediately upon their appointment, was such as could not fail to excite suspicion and distrust. It was perfectly well known that one of the chief defects in the Portuguese army was the inadequacy of its establishment in point of pay. In order to remedy that defect, the Junta of Oporto, by an ordinance promulgated for that purpose, had raised the pay of the infantry soldiers to five pence per

day. The effect of this judicious measure was, that, in less than one month after its adoption, upwards of twenty thousand men were enrolled under the orders of that Junta, and were fast approaching to a state of discipline that would soon have rendered them fit for the discharge of any duties they might be called upon to perform. The first act of the newly appointed regency was to rescind this ordinance, and the consequences of it were desertion to a very great extent, and a degree of insubordination amongst the troops and the people, that nothing but the personal influence which the bishop still retained, could have prevented from producing the most fatal effects; and although by his exertions tranquillity was restored, the zeal of the people was damped, the seeds of distrust and suspicion were disseminated, all hope of confidence in the government was destroyed, and whilst the means by which they had expected to have been able to defend themselves against the French were thus interrupted, they saw that "British aid and assistance," upon which they had been called upon by sir Charles Cotton to rely, withdrawn from them, and their country left exposed to the return of the French, if it should suit the purposes of Buonaparté to repossess it. In such a state of things lord Buckinghamshire said it could not be a matter of surprise to any man, that when on the 11th of December the country was by proclamation called upon to arm, the Portuguese levies should have been found in a less forward state than at the end of July, and that all hope of effectual resistance to the French should appear to have been abandoned.—Were it necessary to adduce proof of the unfortunate state of insubordination and distrust at which the Portuguese people and army had arrived, it would be found in the murder of their general Bernardin Freise, and several other officers, upon the approach of the enemy; and the loss of Oporto, the city and seaport next in consideration and importance to that of Lisbon. Speaking of that event general Beresford in his order of the 4th of April, says, "On the 26th the enemy arrived in the vicinity of Oporto. On the 27th they made some warm attacks, which were repulsed by the intrepidity of our troops. They continued their attacks on the following day with the same success, but on the 29th, the distrust which had arisen between the people and the army causing and increasing that anarchy and confusion which it ever produces, rendered ineffectual all the endeavours of the officers, as well Portuguese as English, to direct the operations of the great force which was in the city. The enemy entered with little loss. Much as the marshal regrets the loss of this important city, he feels with more acuteness the alarming cause to which it is to be attributed. Let it be a warning to the rest of the kingdom to avoid the fatal consequence of anarchy and insubordination. The marshal hopes that the army will perceive that we ought always to distrust those who have been with the French, or their partisans, and what reports they may propagate, as they are undoubtedly paid by the enemy to promote confusion and distress, the arms of which they make the most dangerous use."—His lordship said he had drawn the attention of their lordships to these orders, for the purpose of bringing the actual situation of Portugal more immediately under their observation: a situation the more alarming, because whilst so important a conquest had been made by Marshal Soult in the north, a great army under Marshal Victor was threatening that country from the east. At such a crisis every thing might depend upon the promptitude, the judgment, and the energy of the Commander-in-chief.—Lord Buckinghamshire said he knew sir John Craddock well enough to be quite confident that nothing could abate his zeal, or check his exertions in the advancement of the public service; but at such a conjuncture, when all the faculties of the human mind were called into action, when the most splendid military talents might be unequal to the task of extricating his majesty's troops from the difficulties with which they were surrounded, it was seriously to be lamented, that the general upon whom so much depended, should act under the knowledge that he had been superseded by an officer many years his junior in the army.—That the approbation of all the measures he had pursued in Portugal, under circumstances of extreme difficulty, and his acknowledged gallantry and approved exertions in Martinique, in Ireland, and in Egypt, had not been sufficient to protect him from so severe a mortification.—His lordship said he could not avoid remarking, in this place, upon the peculiar talent the present administration possessed, by the most ingenious contrivances, so to form their military arrangements that at the most critical periods they should never

have the full benefit of the abilities of the officers employed by them; for under the hourly expectation of supercession, or under the controul of a presumptuous and inconsiderate interference, the human mind was incapable of those efforts by which alone great military achievements could be accomplished. The instances of sir Arthur Wellesley, when engaged in the operations against Junot, sir John Moore in Spain, and sir John Craddock at present, his lordship said, would fully illustrate the force of his observation.—Lord Buckinghamshire then proceeded to express (as not totally unconnected with the subject under discussion,) the satisfaction he had derived from the appointment of the marquis Wellesley to the Spanish embassy.—He dwelt upon the services he had rendered the British empire in India; the manner in which he had conducted the operations of the wars that had broken out during his administration in that country; the foresight, energy, and judgment he had displayed, and whatever differences might have arisen upon other points, the universal applause and admiration with which his military measures had been distinguished.—Was he to state in one sentence what he thought of lord Wellesley, he should be inclined to say, that he eminently possessed those qualities, to the absence of which in the councils of his majesty might be ascribed the disasters of the last campaign, with the fruitless expenditure of eight millions of money and seven thousand men.—Under the contemplation of this appointment lord Buckinghamshire would venture a suggestion, from which he thought considerable advantage might be drawn by his majesty's ministers: he conceived an alteration in the provisional government of Portugal indispensably necessary; and he would earnestly recommend that powers should be vested in the marquis Wellesley, for the purpose of making those changes which could not be delayed without the most material injury, not only to the interest of that kingdom, and the cause of Spain, but in its consequences to the welfare and security of Great Britain and Ireland.—His lordship in conclusion said, he had stated that the existing government was neither acceptable to the people nor to the prince regent; of the disapprobation of the people there could be no question. The documents for which it was his intention to move would shew the sentiments of the prince. Upon those documents, if produced, it might become his duty to institute a further proceeding; for the present he should confine himself to the following motions:

"That an humble Address be presented to his majesty, that he would be graciously pleased to give directions, that the Proclamation issued by sir Hew Dalrymple on the 18th of September 1808, for the formation of a Regency in Portugal, be laid before this house.—That an humble Address be presented to his majesty, that he would be graciously pleased to give directions that there be laid before this house, copies of any Communications from viscount Strangford, concerning the formation of the Regency in Portugal, established by sir Hew Dalrymple's Proclamation of the 18th of September 1808, and of any communications relating thereto from the Portuguese minister resident in London, or of such Representations respecting the formation of a provisional government in that country, as may have been made at any time by the same minister, in consequence of advices having been received by the prince regent, of the resistance of the people of Portugal against the usurpation of the French, and of the successful operations of his majesty's arms in that country."

The Earl of *Liverpool* restated the opinion he had declared on a former evening, as to the principle which was to guide the house in calling for papers. The granting of papers in one house, was not a conclusive argument in favour of their being produced in another. He agreed fully with the noble earl, as to the capacity of the Portuguese peasant to become an excellent soldier. He was convinced of his bravery, and of the bravery of the people of every country. They only required discipline, and to be well led on to make brave soldiers. With respect to the main question, that of the formation of the Regency, there were two modes to be adopted after the French had been compelled to evacuate Portugal; either to retain a military occupancy of the country, or to reinstate the former provincial government as nearly as could be, under all the circumstances of the case. The first could not have been resorted to on account of the jealousies it was calculated to create. The latter was actually done, because it was that kind of arrangement which was presumed to be most agreeable to the government at Rio Janeiro. In the manner of forming the Regency, every attention was paid to the

feelings, and even to the prejudices of the people. Of the original Regency one was in France, where he remained to this day, and two more had accepted offices under the French government, after the dissolution of the Regency. Of these three, not one was admitted into the new Regency, but the three remaining, who were not liable to the same objections, chose their new colleagues. These colleagues were persons distinguished for their patriotism and talents; the bishop of Oporto and count Monteiro Mor. In Portugal, as in other countries, intrigues and jealousies, particularly among the higher and middle orders, were known to exist, and it was impossible that any arrangement would give universal satisfaction. The inhabitants of the northern provinces, the most industrious and populous part of the country, were naturally anxious that it should become the seat of government, or that at least they should have a preponderance in the new government. The southern provinces, on the other hand, were adverse to relinquishing the superiority incidental to the capital being situated in that quarter of the kingdom. It would not have become the government of this country, considering the circumstances under which the British army entered the kingdom, to interfere or endeavour to decide between these jealousies and claims. They adopted that course which prudence, as well as delicacy and a due regard to the feelings of an ally, dictated; and they reinstated the former government as nearly as could be. He had no objection to the first of the noble earl's motions; but seeing by what it was to be followed, he must resist both. He could not consent to the production of the correspondence which had passed between his majesty's government and the Prince Regent, or his representative in this country.

Lord *Sidmouth* supported the motion nearly on the same grounds as lord Buckinghamshire. He insisted that the disunion and discontent produced among the Portuguese by the complexion of the Regency had materially impeded our operations, and injured the cause of Spain as well as of Portugal. For the success of both, however, he was still disposed to hope, and his hopes were considerably strengthened by the appointment that had just taken place, of a noble marquis (Wellesley) to the embassy of Spain, for which situation, indeed for any, the highest situation, he was in every respect so eminently qualified.

Lord *Harrowby* could not see the propriety of entering into this discussion at present. He thought the most expeditious mode of proceeding was that adopted by sir H. Dalrymple. It might perhaps, be thought better to summon a Cortes; but that would have been a work of time, and the circumstances of the moment required urgency. He never could have approved the conduct that seemed to be advised, that of our taking military possession of Portugal; it was our duty to re-establish a civil government under the most legitimate form.

Lord *Grenville* said, as there seemed to be an indisposition to lay the papers moved for before the house, he should not trouble their lordships long on a subject, respecting which he had not the necessary information. He supported the objections of the two noble noble lords on the cross bench, (Buckinghamshire and Sidmouth,) and maintained that it was the duty of his majesty's ministers to establish a form of government more agreeable to the wishes of the people, than a Regency in which they had no confidence, but which, on the contrary, was universally suspected and distrusted.

The Earl of Buckinghamshire replied, and after some observations from lords Horrowby, Sidmouth, and Liverpool, the question was put, and the motion was negatived without a division.

HOUSE OF COMMONS.

Monday, May 1.

[M. Charmilly.] Mr. *Whitbread* put a question respecting M. Charmilly, whose name had been frequently mentioned in a late debate in that house; and, as the subject had reference to the Spanish question, he thought it necessary to receive an answer, before the discussion on that question should take place. M. Charmilly, he understood, was in the half-pay of the British establishment as a lieutenant-colonel; and rumours were afloat, that he had also, in addition to his half-pay, received a pension. The object of his question, therefore, was to ascertain the fact, whether or not that gentleman had such a provision.

Mr. *Huskisson* replied, that M. Charmilly was allowed to receive his full pay; and that he was not aware of any other provision having been made for that gentleman.

Mr. Whitbread then gave notice of a

motion for to-morrow relative to this subject.

[PAPER RELATING TO SPAIN.—DISPATCH FROM SIR J. MOORE TO MR. FRERE.] Mr. Secretary Canning presented to the house the following,

Copy of a LETTER *from lieut.-general sir John Moore, to the right hon. John Hookham Frere; dated, Salamanca, 6th December,* 1808.

Sir; I neglected to mention to you, in my Letter of this date, that the general officers and had been with me, who are mentioned in that extraordinary Paper* which you sent me with your Letters of the 30th of November, signed by The two generals seemed to me to be two weak old men, or rather women, with whom it was impossible for me to concert any military operations, had I been so inclined.—The only persons with whom such operations can be concerted at present, are the generals who command the armies; not men like these two, who had no information upon which such plans can be framed, except the official papers, always incorrect, which have been given to them from public offices. Their conferences with me consisted in questions, and in assertions with respect to the strength of different Spanish corps; all of which I knew to be erroneous; and they neither knew that Segovia or Somosierra were in the hands of the enemy. I shall be obliged to you to save me from such visits, which are very painful. I mentioned to you in my Letter of this day, that I had had a Letter from the Junta at Madrid.—My Instructions direct that all my communications with the Spanish government shall go through you, and I should be very happy, on every account, to comply with them; but I do not see how this can be, if you continue at Badajos. I shall, however, send you copies of them if you wish it. I have the honour to be, &c.

(Signed) JOHN MOORE.

* Not transmitted.

[DUTCH COMMISSIONERS.] Mr. Ord moved that the Fourth Report of the Committee of Public expenditure should be entered as read. This being done,

Mr. *Ord* rose for the purpose of calling the attention of the house to the matters detailed in that Report. It must have struck every one that the circumstances of the case stated in that Report were such as to call for the most serious attention of the house. It had been too much the practice, he observed, to pass over such Reports without doing any thing upon them, by which proceeding the useful labours of Committees of this kind were in danger of losing their credit with the public. Parliament had, for many years past, and was likely to have, for many years to come, the task of imposing enormous taxes upon the country; and in imposing heavy burthens on the people, there was no duty of the house of commons more sacred, than that of watching over the expenditure of the public money. Not anticipating any serious objection to the Resolutions which he was about to propose, he would state the material circumstances of the transaction, with the observations of the Committee, and the comments which he should think it necessary to make upon them.—The hon. gent. then proceeded to state, from the Report, which he held in his hand, that the Commissioners had been appointed in 1795, to manage, sell, and dispose of the cargoes of Dutch ships detained or brought in, in order to prevent those cargoes from being greatly injured, or totally destroyed. They had general instructions as to the conduct of their transactions from the Lords of the Privy Council, requiring them to keep Minutes of all their proceedings, and to keep their accounts in such form as the Lords Commissioners of the Treasury should direct and approve, and upon points of any difficulty occurring, they were to refer to the Committee of the privy council for instructions. These Commissioners were five in number—James Crauford, John Brickwood, Allen Chatfield, Alexander Baxter, and John Bowles, a member of the society for the suppression of vice, or rather, as appeared by the Report, for pilfering the public. Their sales, it was observed, ceased, and their transactions were nearly brought to a close in July 1799. Nothing remained after that but small sales of remnants, not completed till 1801, and a few other things which would give them very little trouble. To these, however, was to be added an important law suit commenced in 1797, which brought into question property to the amount of 180,000*l.* But this could not impose much labour upon the Commissioners, as it was obvious that the burthen must rest upon the Solicitors and Counsel.—The hon. gent. next adverted to the observation of the Committee, with respect to the circumstance that no fixed re-

muneration had been assigned to the Commissioners, in consequence of which these gentlemen had resolved to remunerate themselves, and charged a commission of 5 per cent. on the gross proceeds of their sales, which commission in the four first years amounted in all to 80,000*l.* No regular accounts were furnished to government, and criminal as this was in the Commissioners, he could not help saying that the government was far more criminal in not calling for them. Only one Account was rendered to the privy council, and in this it was remarkable that no mention of commission was made, which the Committee observed, might lead the privy council to imagine that no Commission was charged, although at that time 25,000*l.* had actually been divided. But the Commissioners had good reason for not rendering any account, because that might lead to the suppression of their illegal profits. This, the hon. gent. said, was a most extraordinary thing, considering the noise which Mr. John Bowles had made respecting the returns to the Property Tax (Hear! hear!). It would be curious to know what returns he himself had made to the Property Tax, at the time he was deriving this large profit from his labours. (Hear! hear!). The act authorizing the appointment of these Commissioners required that the proceeds of the sales should be paid into the Bank of England. But, instead of this, the Commissioners had opened accounts with private bankers. It was singular that a lawyer should lead them to a violation of the law; and the merchants, who were in the commission, to state a false amount of commission as consistent with the general practice in mercantile transactions. The reasons alledged for this violation the Committee had proved to be unfounded; and further, justly remarked, That if there had been any doubt as to the construction of the act in this particular, they ought, pursuant to their instructions, to have applied to the privy council.—The next point to which the hon. gent. adverted, was the magnitude of the Cash Balances, retained by the Commissioners, and he particularly called the attention of the house to the fact, that Mr. Pitt had, in 1796, applied to them to know whether any sum arising from the sale of the property under their management, could be paid into the Exchequer for the current service of the year? They denied that they could pay any sum into the Exchequer, although it appeared that at that time they had a balance of no less than 190,000*l.* out of which, though it was proved that they had great demands upon them at the time, the Committee observed, they might at the least have advanced 50,000*l.*—The hon. gent. then adverted to the great neglect of the Commissioners in not applying the balances in their hands in a way that might render them productive to the public, instead of discounting private bills; and applying these balances, during the years that preceded the completion of their sales, entirely with a view to their own emolument. If these balances had been vested in Exchequer bills, between 40 and 50,000*l.* would have been saved to the public: and though they had been instructed to keep Minutes of their proceedings, no Minutes whatever were preserved of the mode in which they employed the balances in question.—By the commission at 5 per cent. on the gross proceeds, by brokerage and interest on the balances, it appeared, that they had taken for their labours, the enormous sum of 133,198*l.*, being at the rate of 26,000*l.* for each Commissioner!—The hon. gent. here pointed out a circumstance which seemed to have escaped the attention of the Committee, which was that the Commisssioners appeared to have charged the 5 per cent. commission upon the property which had been managed and sold by the East India Company, in the disposal of which they had had no trouble whatever; so that, in point of fact, a commission of 10 per cent. had been paid upon much the largest proportion of this property, in as much as the East India Company had also a commission of 5 per cent. on their sales. The hon. gent. then followed the course of the Report in exposing the futility of those reasons by which the Commissioners had attempted to defend the appropriation to their own use of the 5 per cent. commission. Some of these Commissioners were themselves merchants, and it was therefore most extraordinary that they should have asserted that 5 per cent. on the gross proceeds was the usual commission, when it was well known that the highest commission common among merchants was 2½ per cent. on the gross proceeds. The Commissioners had cited two precedents for their charges. The first was a similar Commission issued in the war of 1756; and the other the general practice of prize-agents. With respect to the Commission of 1756 it appeared that only 2½ per cent. on the net proceeds was

charged; and the result was that no more was paid than about 14,768*l.* being about 1,000*l.* to each Commissioner. This, therefore, was a most unfortunate precedent for these gentlemen, in support of their claim to 27,000*l.* each. The case of prize-agents would stand them in little stead. Prize-agents must have a capital before they could carry on the business; and they were besides exposed to risk and to losses. But, supposing they wanted as little capital, and were as secure from risk as these gentlemen, the precedent would not avail, because the prize-agents charged 5 per cent. not on the gross but on the net proceeds of their sales.—The hon. gent. then requested the house to consider what were the real services of these Commissioners. Their sales had been finished in four years and a half from the time of their appointment, and the important part of their labours had of course then closed. As to the law-suit, that must have been entirely the business of the solicitors and counsel. Nay, in 1804, it had actually occurred to the Treasury, the last quarter where such a notion could have gained admission; that it was useless to retain this Commission any longer—that the very loyal Mr. John Bowles could be uselessly retained in this Commission; and they had actually applied to the law officers of the crown to know whether the Commission might not be dissolved. Nothing prevented that dissolution, except that it was thought proper to continue them nominally because the suit had been commenced in their names—a circumstance which rendered it necessary to maintain their existence till the suit was concluded. The real labours of the Commissioners had however closed; and in point of fact, during the ten years the Commission lasted after the completion of the business, the gentlemen found time enough to do a great deal of other business. This same John Bowles had been active in several elections, which had since taken place, and had time, besides, to write about thirty pamphlets. Mr. Brickwood, too, appeared by the Report to be at this moment a Commissioner for Spanish property. Two of the Commissioners pleaded, it appeared, that they had quitted their professions with a view to the fulfilment of their trust. This was not the first time that professions were abandoned for something better. Another hon. gent., whom he did not see then in his place (Mr. R. Ward) had also quitted his profession for a salary of 1,000*l.* a year as a Lord of the Admiralty. This brought him to notice another case adverted to in the Report, which appeared to him to be a most palpable job: the case he alluded to was that of the American Commissioners. Mr. Tho. M'Donald, it appeared, got 5,000*l.* for abandoning his profession to become an American Commissioner, and that in addition to a salary of 1,500*l.* per annum. He did not mean to detract from the merits of Mr. M'Donald, but he could see no reason why such a sum of the public money should be given to induce any person to abandon his profession, when so many thousands of persons could be procured to execute the business of the Commission as well, for the bare salary. Mr. John Bowles too must have a consideration for abandoning his profession, and the house had no difficulty to appreciate the means he had taken to secure that consideration. Mr. John Bowles to be compensated for the loss of a profession, at which he might have starved, had it not been for this profitable job of Dutch Commissioner!!! Mr. Bowles had discovered that it was much more profitable to trade in Anti-Jacobinism under Mr. Pitt, than to wait for causes at the bar.—He was sorry to detain the house with such a man as Mr. Bowles, but it happened that his career was connected with some very important points. It shewed the nature of the cry of Anti-Jacobinism, which had been set up with so much vigour to defeat the most beneficial political objects—it exposed the principle upon which the loudest of these Anti-Jacobin declaimers acted, which was solely a view to their own private emolument. This John Bowles afforded an admirable specimen of an Anti-Jacobin—the eulogist of existing powers—the defender of present establishments—the denouncer of all, who might condemn abuses, or call for reform, as vile Jacobins. These tricks would no longer impose upon the public—the mystery was discovered—Mr. John Bowles himself had let out the secret, and the reign of imposture and delusion was at an end. This transaction afforded a useful lesson to all governments how they should bestow important pecuniary trusts upon persons having no merit to recommend them but the circumstance of their being mercenary hireling authors. If governments would employ such persons, they must share the disgrace brought on by their conduct.—For his own part, much as he condemned the conduct of the

Commissioners, he looked upon the neglect of government as still more criminal. It was this neglect that produced all the infamous transactions which had lately been brought to light. It was a bounty upon roguery, and an encouragement to abuses. Negligence of this description, and a profligate profusion in the public expenditure, had been the peculiar characteristics of the administration under which these Commissioners had been appointed.—Before he should conclude, he had a few words to add upon the mode in which these accounts were passed. A right hon. gent. opposite (Mr. Rose) had stated in his evidence before the Committee, that they were to be referred to the Auditors of Public Accounts from the Treasury, and in this he appeared to have been incorrect. Another hon. gent. (Mr. Huskisson) admitted that the accounts were to be delivered in at the Treasury to be passed. Now, most unquestionably the Treasury was the last place to which he should consent to send the accounts of so loyal a man as Mr. John Bowles to be audited and passed; because it was not improbable, that he might have friends there, who would not be very strict in the examination and sifting of his accounts, and, besides, the Treasury had not power to examine upon oath. If he was rightly informed, the practice was, that accounts sent in on one day were often passed on the next day.—In the Resolutions which he meant to propose, he should introduce one, directing that the Accounts should be sent to the Auditors of Public Accounts to be passed. As to the proportion of remuneration which it might be desirable to give to the Commissioners, he thought that that question could not well be brought before the house till the Accounts of the Commissioners should be passed. He was not aware of any other observation, which he should think it necessary to make upon this occasion, and should therefore proceed to read to the house the Resolutions which he meant to propose for its adoption. He did not include in them any Resolution for directing a criminal prosecution against the Commissioners by the Attorney-General, because he understood that a doubt was entertained whether they were liable to such a proceeding; and it would ill become him, whilst such a doubt existed, and in the presence of so many gentlemen who were so much more competent than himself to decide that point, to propose any Resolution to the house upon the subject.—The hon. gent. concluded with moving the following Resolutions; 1. "That it appears to this house, that to commit pecuniary trusts to any persons whatsoever, without providing any check on their proceedings, without calling for any regular or periodical accounts, and without settling, during a long course of years, the mode or amount of their remuneration, is a neglect which must inevitably lead to the most prejudicial consequences, and is a violation of the obvious duty of government. 2. That such neglect and deviation have been proved to exist, and might have been attended with material loss to the public. 3. That the Commissioners upon Dutch Property have been guilty of gross misconduct, in violating the act under which they were appointed, and appropriating to their own use without authority, sums for which they ought to have accounted to the public. 4. That the Accounts of the Commissioners be referred to the Auditors of Public Accounts to be examined. 5. That all consideration of the remuneration to be allowed to the Commissioners ought to be deferred till their accounts are finally settled."—On the question being put upon the first Resolution,

Mr. *H. Thornton* felt it necessary, as chairman of the Committee which had made the Report, to state, that he most cordially concurred in every part of that Report. He would have wished, however, to have assigned some annual rate of remuneration to the commissioners, rather than a per-centage, because he thought it desirable for parliament to shew that it would not countenance the practice of giving to such Commissioners an allowance upon the proceeds of their sales. The remuneration, as recommended in the report by the Committee, was now 10,000*l.* no very inadequate compensation for the light business they had to perform. But this remuneration would be still farther reduced by the sums the Commissioners would have to refund. By the act of parliament, their accounts must be sent to the Auditors of Public Accounts, who have power to demand interest on the sums kept at private bankers, or otherwise withheld from the public, by which a considerable reduction would be made in the amount of their remuneration. The Report recommended, that the Auditors should be directed to use their usual discretion with regard to these accounts. It was not with a view of preventing the house

from coming to any decision it might think proper, that he mentioned this circumstance, but in justice to the Committee, which did not consider itself at liberty to abstain from making a Report upon the subject of the remuneration, and had therefore introduced the round sum, liable, however, to the reductions he had alluded to. The Committee, too, had stated its opinion with respect to the duty of government, as appeared by the hon. gentleman's having adopted in his first Resolution the very words of the Report, with the trifling alteration of a word, in substituting "obvious" for "acknowledged." But here he felt that a distinction should be taken between Commissioners, such as these, and a government. If the Commissioners neglected the business to which they were appointed, their neglect must be wilful, and consequently highly criminal; but the members of a government had various other important functions to attend to; besides, successive governments might not always be aware of the views of their predecessors; and even the Secretary to the Treasury has so much other business to attend to, that he might inadvertently omit some part of his duty. Upon these grounds, therefore, he considered the neglect of the government, and the neglect of the Commissioners, as meriting different proportions of blame. It was not his wish to take any portion of blame from any person to whom it could be applied. He certainly entertained sincere and warm feelings of friendship for some of the persons to whose conduct the Report referred; but he should not suffer himself to be influenced by those feelings in screening them from any censure which they might by their misconduct have justly incurred. It was due to the Prussian Commissioners to state, that an inaccuracy existed in the statement in the Report, that they had had 18,000*l.* at a private banker's; the fact having been, that the sum actually placed in the private banker's did not exceed 3,000*l.* the remainder of the sum being vested in Exchequer Bills. He had thought, that the usual practice was, when a Report of this description was laid before the house, to wait a short time before any proceeding should be instituted upon it in the house, in order to ascertain, whether any steps were taken by government pursuant to the recommendations of the Report; and upon this point he trusted his majesty's ministers would state what steps they had taken.

The *Chancellor of the Exchequer* was prepared, without any call, such as that made by the hon. gent. who had just sat down, to communicate to the house the measures that had been taken by the Treasury with respect to this Report. When gentlemen considered that it was only on the 25th of March that the Report had been presented to the house; that some delay had taken place in the printing of it; and that it was not in the hands of gentlemen until within a fortnight of the time when notice of this motion was given, they would not think it surprising that no measures had been taken by the Treasury before the notice of this motion was given. He could, however, state that the Treasury had applied to the Committee of the Privy Council, to call upon these Commissioners to give in their accounts to the Treasury, to be then transferred to the Auditors of Public Accounts to be passed. The Treasury had also, adopting the suggestion of the Committee, proposed that the rate of remuneration should be 5 per cent. on the net proceeds, the Commissioners being to defray the charges of their establishment, and to pay interest for any sums which they may have kept at their private bankers. It appeared, that in some of the sales there had been no net proceeds, but an actual loss, and it was thought right that the amount of these losses should be deducted from the net proceeds. From this statement the house would be able to judge whether the conduct of government merited that general censure which the Resolutions of the hon. gent. went to pass upon all the governments that had successively existed since the appointment of these Commissioners; a censure, too, which undoubtedly would least of all apply to the present government. But, was the case such as to call for this censure? This Commission was an anomalous case. Parliament took the business out of the regular course in which it would have been administered under the authority of the Court of Admiralty. No remuneration was assigned for the Commissioners, because that was never done in the case of parliamentary Commissioners. Besides, it was not for the government, in the first instance, to fix upon any particular amount of remuneration. To shew what had been the conduct of the present government, he should refer to the Commissioners for Portuguese property, who were directed to restore the whole of the property, without any deduction of per cent-

age, to the Portuguese claimants who should prove themselves the owners, as a course most consistent with justice, and most worthy of the crown, and the character of the nation. Upon the whole, he did not think that any practical convenience could result from the adoption of the Resolutions of the hon. gent. and certainly he was not more liable to blame than the noble lord (H. Petty) who preceded him in office. But neither, he contended, was justly liable to blame. The effect of a general vote of censure upon all the successive governments, since the institution of these Commissioners, would fall entirely upon the present government. Seeing, therefore, that the act, which had been in operation for the last four years, provided for the effectual check of these accounts, and that the business was now in train to be fully and finally settled, the house he was confident, would not feel it necessary to entertain the Resolutions. The hon. gent. himself, would, he hoped, now that he was in possession of the uniform practice of the house in such cases, withdraw his motion; but if he should not, it was his intention to move the previous question upon his Resolutions.

Sir *John Newport* would not consent that this motion should be withdrawn, or disposed of by the previous question. If ever there had been an instance of malversation of trust, it was this one now under discussion. In all parts of the Report there appeared proofs of trangressions of the act of parliament, of an abandonment of their duty, and of their instructions under that act, upon the part of these Commissioners. Their accounts had been made up apparently according to their instructions, but in reality with a view of disguising the real state of their illegal profits. If such malpractices, when proved incontestibly, should not be marked by the severest censure of that house, it would be an encouragement to corruption. Their conduct was aggravated by the manner in which they had given their evidence before the Committee. On their examination, they gave amended and explanatory answers to the questions which were put to them, but which, in fact, amounted to nothing else than gross prevarication, and direct falsifications of their former testimony. They had presumed to say that they placed their balances in the hands of private bankers, as public officers do. Did public officers really do so? Good God! was the floating security of individuals equal to that of the Bank of England? Instead of being lodged in safety in the Bank of England, every Commissioner applied his proportion of the balance in the manner the most beneficial to himself. Those gentlemen began very early to appreciate their own merits, and drew, truly, a very handsome reward. Within the first year of their existence they had lodged 850,000*l.* in the hands of their private bankers, though during that period not a farthing had been paid by them into the Bank of England; and within the last three years, the whole sum lodged in the Bank of England, amounted only to 90,000*l.* If any bankrupt had given a statement of his effects in the manner in which these gentlemen had done, would the Commissioners remain satisfied with it? Would any better proof of fraud be required, than that a single item had been kept back in his accounts by the bankrupt? He should support the Resolutions; but whatever might be the fate of them, he should afterwards move for an Address to his majesty, to direct the Attorney-General to prosecute these Commissioners for malversation in their trust.

Mr. *Rose* stated, that previous to the passing the act of the 25th of the king, there had existed no effectual mode of passing and auditing accounts. Under that act these Commissioners, as public accountants, would be compelled to go with their accounts to the Public Auditors. If any blame was imputable to any government, it undoubtedly must be to that government which existed when these Commissioners had been appointed. But the act by which they had been appointed required them to furnish their accounts when called for, and to take their instructions from the privy council.—As to the proportion of their remuneration, his idea was, that when their business should be completed, that point would be settled; but he never could have had an idea that they would take to themselves a poundage upon their sales. To him personally, if any blame was imputable to any one, it might be said to attach. But as to what had been stated by the hon. gent. who opened this business, relative to any leaning he might be supposed to have towards one of these Commissioners, (Mr. John Bowles) he could assure that hon. gent., that he knew as much of that person, and was as well acquainted with him as he was himself. And what was more, he could

assure him, that he had never read any of his pamphlets, though he would allow that they were regularly laid upon his table. He had only to add, that a neglect such as had taken place on this subject might happen in the hurry of business to any government. He had ever been a friend to inquiries such as the one which had detected this transaction, because it was impossible for any man to say, that he never omitted any part of his duty; and the benefit of such inquiries was, that they brought to light any omissions which might take place. He trusted, however, that the neglect was not of such a character in this instance, as to induce the house to adopt the Resolution of censure upon the government, proposed by the hon. gentleman.

Mr. *Whitbread* rose and said; Sir; there are several reasons which prevent my suffering this question to go to a vote without expressing my opinion upon the conduct of the Dutch Commissioners, and of those who ought to have paid some attention to their proceedings. A great smoke has long issued from the office of the Dutch Commissioners. Persons have often said that the Dutch Commission was a great job, that if it were enquired into, it would be found to be so: but no mortal alive ever expected to find such a blazing fire as that which is now known to have been so long burning in Broad-street. The right hon. gent. who has just sat down (Mr. Rose) has, after the fashion of a noble colleague of his in office, behaved himself with great decency: he has candidly confessed the omissions of that Board of Treasury with which he was connected; his own in particular, as arising out of the situation in which he was formerly placed, where it was his more peculiar duty to have attended to what these gentlemen were about.—It must be said of the noble lord (Castlereagh) and the right hon. gent. (Mr. Rose) that at the place of execution they have conducted themselves with decency and contrition; and in allowing the justice of the sentence passed upon them, or rather which ought to be passed upon them, I cannot help feeling some compassion for their unhappy lot. But the Dutch Commissioners, Sir, enter no such claims. When convicted of guilt upon the most undeniable evidence, after having in vain attempted every subterfuge; after having been allowed every possible mode of evasion and explanation, they, by a paper published subsequent to the breaking up of the Committee, arraign the conduct of the Committee itself, which it therefore becomes our duty to support and to protect.—I cannot help remarking that this Commission has arisen out of one of those abominable practices, which, if they belong to, entirely disgrace, the law of nations: and that the Dutch Prizes, for the settlement of which this Commission was instituted, were tempted into our ports by a proclamation which offered to them the protection of this nation. That they having repaired hither, according to the language of a subsequent Order in Council, in full confidence, were, after another Order in Council directing reprisals to be made upon the Dutch, seized upon as prize of war: and according to the custom of civilized nations, we made a prey of those whom we had pretended to protect. The Chancellor of the Exchequer has described this to have been an anomalous commission of an extraordinary nature. Unquestionably during the first short period of its institution it was so: but that soon ceased; and after war had been declared against Holland, the king by his Order in Council, appointed this commission for the ordinary purposes to which such commissions are applied, and it came under the controul of the privy council exactly in the same manner as others. However, sir, as an extenuation of the conduct of these gentlemen, it matters not in what way they were constituted. They were appointed servants to the public; which public, according to the confession even of the Chancellor of the Exchequer, they have grossly defrauded.—After the confession made by the right hon. gent. (Mr. Rose), and the guilt allowed by the Chancellor of the Exchequer, I am at a loss to conceive how any man can presume to recommend that no notice should be taken of these proceedings by the house of commons; and that no question should be taken either upon the negligence of the government, or the criminality of the Commissioners: and yet such is the course that we are called upon to pursue, to open our eyes to negligence and criminality, and to pass them over unobserved upon, and unstigmatized.—Perhaps, it is difficult to find in all the accounts of public servants who have misconducted themselves towards the nation which employed them, a case more flagrant than that which is now before us. These gentlemen having been appointed

for the purposes mentioned in the act of parliament, were left, as is the custom, without any specific salary named: but, in all other instances that I am aware of, of the same nature, the Commissioners have waited with patience till parliament or the privy council, as the nature of the case might be, should have determined what that salary should be. In this instance, however, the Dutch Commissioners became very soon impatient; and, although parliament and the Treasury had forgotten them, they did not forget themselves. It appears, that they very early turned their attention to the subject of their own profit, and that not knowing what to do, or what mode of remuneration to adopt, they applied for information upon the subject.—Sir, it must appear to men of ordinary habits and modes of proceeding, that it would have become the Commissioners to have applied either by petition to this house, or by memorial to the Treasury, for a rule by which to guide themselves; but these gentlemen did neither the one nor the other. Some one of their body was deputed to go to Chelsea, where, at that time, lived a very respectable gentleman, who must have been at an advanced period of life, of the name of Aufrere. He had been a Commissioner for Prizes as long ago as the year 1756. The report brought by the delegate to his brethren, which afterwards turned out to be totally false, was that Mr. Aufrere and his fellow Commissioners had received 5 per cent. upon the proceeds which went through their hands, but whether gross, or net, the Commissioner who received the information does not pretend to determine: and yet the Board have, upon this authority, supposing that it is, as far as it goes, truly stated, ventured to assert to the committee that they were sanctioned by precedent! The truth of the conversation between Mr. Aufrere and the Commissioner, it is not now my intention to question, because any enquiry into the subject must be fruitless; Mr. Aufrere himself is dead. It may be observed, in passing, that the Treasury was a good deal nearer to the residence of these gentlemen than was the house of Mr. Aufrere, and that their messenger must actually have passed by the one to get at the other. The delegate must carefully have shut his eyes, I think, when he passed Charing Cross, and rigidly abstained from casting one glance that way, lest he should be tempted to go to that place for information to which only it was his duty to resort. The Commissioners, however, being, even after this conversation at Chelsea, in a fresh difficulty as to whether they should charge upon gross or net, solved that difficulty in their own favour, and immediately set to work and charged 5 per cent. on the gross proceeds.—Why was not the Treasury consulted instead of Mr. Aufrere? The information would have been more authentic. It might have been less satisfactory then, although much more satisfactory to them (if they had known it and acted upon it), as their case stands now, for they would not have been reduced to that situation of shame in which they now stand before this tribunal.—Sir, I cannot help remarking upon the attempt at deceit and gross prevarication which appears in the first short paper returned to the committee from the office of the Commissioners.—In that paper they say that they have no fee, emolument, or compensation whatever, and that they have only the usual commission upon the proceeds passing through their hands.—Sir, these Commissioners, although men of the world, either appear to have entertained that foolish notion with which we have seen witnesses at this bar impressed, namely, that they should be allowed to make their own statement and be called upon to speak no farther, and not to be subjected to any observation or cross-examination whatever; such must have been their notion at the time they signed that prevaricating paper: or they must have thought that the committee itself was composed of weaker men than I trust are to be found in this house. —Sir, give me leave to ask them where the usage is to be found on which they ground their assertion? Of Mr. Aufrere's authority even they are not certain, and the Treasury Warrant to the Commissioners in 1756, directly and flatly contradicts them.—But, Sir, be it remarked, that they assert, upon the authority of Mr. A. also, that the expences of their establishment were not to be paid out of their pretended emolument. An instance of unblushing assurance! For they do not pretend even that Mr. Aufrere ever said any one word to their delegate upon the subject: these are sins of commission on the part of these Commissioners: and, notwithstanding the fairness with which they were examined; the opportunities which were afforded them of explaining their answers, and afterwards of answering their own expla-

nations; they end worse than they begun, and their guilt becomes more manifest every step they take.—I cannot help here remarking upon the contrast which is exhibited in the latitude of explanation allowed by the Committee, and the conduct towards witnesses which we have seen sometimes adopted at the bar of this house. There, witnesses who are selected, or at least ought to be so, for their judgment, discrimination, acquirements, and knowledge of the world, are deliberately asked temperate questions, to which they are allowed to answer in the most deliberate manner. They are then allowed to consider those answers and to explain them. They are afterwards allowed to answer those explanations, and to amend them: and the Commissioners, not contented with that, have published a set of posthumous papers, attacking the able Report of that impartial Committee, (to whose labours, in this instance, I cannot give praise too strong), which they have put into the hands of members of this house, and even have ventured to canvas for vote and interest. They have the effrontery to talk of the sacrifices they have made to the public. Having set aside for their own use above 130,000*l.* they still have further claims upon us, which they in their generosity have relinquished. The sacrifice they have made to the public, is to refrain from charging the expence of their establishment over and above such enormous gains: and yet in such a charge they say they should have been justified upon precedent! *Proh pudor! et veritas!* No such precedent nor the shadow thereof can be traced. Here, Sir, we have seen witnesses pressed with questions in a hurried manner: and the hurried answer which has escaped from them, has been taken down and deemed conclusive, without the smallest latitude allowed of explanation or amendment. I have made the remark, I do not wait to draw any inference from it.—Sir, I have spoken in very strong terms of the conduct of these Commissioners: and I do not think the house will do its duty, unless it goes further even than the Committee itself has pointed out in the Report. I do not think that the allowance mentioned by them, ought to be made, and I concur in the opinion of the hon. mover of these Resolutions, that not one farthing ought to be paid until the whole of their accounts are settled. We should untruss these Dutchmen, and take from their trunk-hose every farthing of their ill-gotten wealth. We should exact from them a minute account of all their gains: and then, if it should be proper to give them any thing after their conviction of such gross frauds, parliament itself should decide upon the quantum.—Sir, I am not acquainted with any of these Commissioners personally, nor do I know but that they may be all men of great reputation hitherto, and of ability sufficient to execute the office consigned to them; one of them, however, is sufficiently known to the public, Mr. John Bowles, a gentleman who, for a series of years, has been a writer by profession: who has libelled much that has been good and virtuous in this country. If it really be Mr. Bowles the author, who writes under the signature of Christianus Laicus, the sanctified Anti-Jacobin, who has been so detected, I will venture to say, that a discovery so rare, and in all its circumstances so amusing, has not been made since the moment when that atheistical philosopher, Square, was discovered in Miss Seagrim's garret.—He was appointed a Commissioner under the administration of Mr. Pitt. Sir, I do not mean to follow the example of this political writer, who, for purposes most unchristian-like, thought proper to assume the title of Christianus Laicus. I do not mean to invade the silence of the tomb, or unnecessarily to attack the memory of the dead. I do not mean to question the propriety of Mr. Pitt's conduct in this instance: but, happily, we have before us, if not in the bloom of youth, at least in the vigour of health and intellect, a right hon. gent., who was an appendage to that administration of Mr. Pitt, as he is to the present, and who confesses, that with his department, and with him more particularly, lies all the guilt of not enquiring into the proceedings of those men. He, perhaps, may also know for what particular services as a political writer, or rather as a party writer, Mr. Bowles was rewarded, and he can tell us which of all the numerous publications he has uttered to the world, insured to him this snug situation in Broad-street.—Perhaps, Sir, no censure that I can pass; no resolution to which even this house can come, blaming Mr. Bowles, can be regarded by him as so severe as the assertion made by the right hon. gent. (Mr. Rose), that, although his table groans with the publications of Mr. Bowles, he never condescended to open one of them in his life. I think, the right

hon. gent. himself has a good deal to answer for, in suffering the public to be inundated with the productions of Mr. Bowles's pen, when those, through whose means he obtained the public money as a remuneration for such services, were not acquainted with the extent and malignity of the poison which they so suffered to be diffused.—If, Sir, I may use a quotation, sufficiently hackneyed indeed for any one, however illiterate, to catch hold of; but which is sanctioned by the adoption of Mr. Bowles himself, who has said of a person, described in his mild and christian-like manner, that, *noscitur a sociis;* I may say of the Commissioners, *noscuntur a socio;* and really if Mr. Bowles is a sample of the rest, I can have no reliance upon them whatever, no compassion for their situation, and can find no excuse for their misconduct. When a man sets himself up a self-elected censor of the manners of the age: an universal condemner of all whom he chuses to submit to his lash: when he affects the title, by distinction, of Christian, he ought to be most peculiarly upon his guard, as to the rectitude of his own conduct: and if it should be found to have yielded to baser motives than those which he has ventured to ascribe to others: if during the time that he has been censuring the frailties of mankind, he should be found to have been himself the doer of the most sordid deeds, the severity of his punishment ought to be in proportion to the sanctity of the character he has thus falsely assumed: for the injury such a man does to the cause of virtue by hypocrisy, is beyond all comparison greater than that which can be done by the open, avowed, and hardened malefactor.—Sir, it has been said, as one of the false pretences under which these gentlemen collectively seized upon so large a portion of the money which passed through their hands, that two out of the five, after a few months, abandoned their professions. Three out of the five, I believe, were merchants; they, certainly, did not abandon their professions: one was an East India captain: the other was a lawyer. The East India captain might, I should have thought, have foreseen, at the very outset, that the continuance in his profession was incompatible with the duties of such a situation; for it is manifest that a gentleman could not sail across the ocean to India and back again, and at the same time execute his duties in Broad-street: with regard to him the pretence of abandoning a profession after a few months of experiment, is frivolous beneath notice. Mr. Bowles was a lawyer, and, if I am not much misinformed as to the state of his practice, he might very easily have satisfied all his clients and executed all the duties of his commission without the smallest interference with their interests. But, Sir, I am not at all surprized that this gentleman should have abandoned his profession after a few months, for we see by the Report, that within a very few months the Commissioners had appropriated to themselves no less a sum than 25,000*l.* Why, Sir, this must have been as unexpected to Mr. Bowles as the 20,000*l.* prize was to the apothecary; but he might sing with Mr. Lenitive,

"My gown and my wig
"I'll hang upon a peg:
"I am all for the Publico Bono."

It may fairly be asked of these two gentlemen, why, when they chose that the public should pay for this relinquishment of their ordinary pursuits in life, they did not chuse to consult that body from whom they exacted such payment? There are two parties to such a bargain; and at least it became them to have asked that party which was to pay, whether the thing to be obtained was thought worth the price. Upon this the Committee have ably remarked, and I thoroughly agree with them in opinion, that, under this head, the two gentlemen in question are entitled to no remuneration whatever. —Sir, the history of the question put by Mr. Pitt to these Commissioners, respecting the balance in their hands, so early as the month of Feb. 1796, and the answer given by the Commissioners, is a strong exemplification of the neglect of the officers of the Treasury, and the unblushing effrontery of Mr. Bowles and his associates. At that period the Commissioners had no less a sum than 196,000*l.* in their hands; and yet, without stating what their balances were, they simply declare that they can afford no money for the necessities of the state, unless a sum to a very large amount is paid to them by the East India Company. Ought not the Treasury to have required an account of that balance which they fraudulently withheld? And ought not enquiry to have been made into the state of their accounts? It was evidently expected that a large sum would be found in their hands, and such a disappointment ought to have

led to investigation. But what shall we say to this Commissioner? He was a life-and-fortune man: he was ready to spend the last shilling of his own money, and shed the last drop of his own blood, in the defence of his country: and yet, as a public accountant, in possession of public balances, he refused to the country the use of its own money, in order that he might convert that money to his own private advantage.—Very shortly after this, an appropriation was made of 25,000 *l.*, and within fifteen months from the period of their first beginning they had appropriated to their own use no less than 40,000 *l.* Unappalled by the magnitude of the sum, they made no enquiry, returned no statement, entered no items by which this imposition might be detected: they did not comply with the terms or the spirit of the act of parliament: they did not pay, as they ought to have done, their money into the Bank: they did not give any intimation of the wealth they were thus acquiring: and they presume to say, after all the statutes that have been made to remedy such abuses: after all the clamour which such abuses have created: after all the ferment into which the existence of these abuses has at different times thrown the public mind, of which they could not be ignorant: they had the effrontery to say that in using the money to discount private bills for their own advantage, they were following the example of all public accountants. Away with their paltry subterfuge with regard to the payments for which they expected to be called upon! If they had placed the money in security at the Bank to their own joint and private account, they might have called for it at any moment for the service to which it was destined, and they would have complied with the spirit of the act of parliament. If they had paid it in according to the terms of the act of parliament, and any unexpected payments had arisen, they might have done that, which they did in the first instance, apply to the privy council for an issue of money, which issue could not have been refused. —Sir, the detection of such scandalous practices must be of public advantage; there is only one shadow of reason why it should not, and that reason I will give in the words of Mr. Bowles himself: — "There is indeed just cause to fear lest "our administration of justice, pure as it "is in itself, should, on account of the "foulness of the transactions which are "brought before it, serve rather to injure "than improve these sentiments, the cor-"ruption of which denotes the last stage "of depravity."—Still the exposure of such transactions, carried on by such a man amongst others, must be of public utility. Sir, this author has calumniated men of character in this country. He and his associates, the Anti-Jacobins, have done me the honour to notice me by their abuse. In two pamphlets addressed personally to myself, he has thought proper to charge me with a want of proper attention to the cause of religion. He I suppose must be, in his own estimation, a great religionist. Does he live according to the strictest sect of his religion, a Pharisee? of whom it is said, "that they were whited walls, and painted sepulchres: are cleanliness without, but all hollowness within: blind guides: persons professing and preaching good doctrine, and pursuing bad conduct." Some persons he has more parcularly designated as enemies to the state, and he has ventured to consult his historical knowledge for the character of Clodius, which he has applied to a member of this house: thereby designating him, and indeed in express terms, in a Note which he has appended to his work, as a person who wished to overthrow the state, and to be accessary to the murder of a magistrate. I shall take the liberty of comparing him to that Athenian mentioned by Horace, whom the commentators have named Timon: of whom it is said, *Populus me sibilat. Populus sibilabit,* but Mr. Bowles will not have the satisfaction of contemplating his money in the chest, as a salve for the ridicule of the populace, for I am persuaded, he will be made to refund "the uttermost farthing."—Sir, I do hope that the change which will be produced in consequence of the discovery lately made, in what Mr. Bowles terms the hitherto 'Terra incognita of morals,' will be productive of great public advantage. The whole of our public system will partake of the effects resulting from such discoveries. If these gentlemen are treated with more severity in this house, than some of those that have lately appeared before us, the reason is obvious. They surrendered at discretion: but the Dutch Commissioners fight upon their very stumps: and not contented with the attacks they have made upon the Committee, whose labours we ought to uphold, have had the modesty to canvas the members of this

house, for their votes and interest. The evidence upon which we can proceed, with regard to them, appears to me to be conclusive. There is no possibility of evading the charge of a gross fraud upon the public. Indeed, I should be sorry that the house should proceed upon that sort of evidence, on which Mr. Bowles thought proper to invade the sacred silence of the tomb, and to charge the late duke of Bedford with a want of religion, merely because his eulogist had not mentioned religion in the speech with which he paid the tribute of honour and affection to his memory. Mr. Bowles was then dragged forth, the reluctant champion of public morals: he never would have been disposed, he said, to publish one word respecting the late duke of Bedford, if he had not felt that the unqualified eulogies which were passed upon him, had had a tendency to corrupt the public sentiment. But such an enemy was he to corruption of all kinds, that he found himself compelled to be the reluctant attacker of the memory of the duke of Bedford, upon a subject, which even during life, might be deemed to be peculiarly a man's own, and upon which, after death, when it cannot possibly matter to the world; when the great account is closed, and there is no correction to be made of the errors which have been committed, and no change of sentiment can take place, it does appear to be an act of the most wanton and deliberate cruelty to make such an attack.—Sir, I am not afraid of entering the lists with Christianus Laicus upon this subject: although with the addition of two syllables, to express myself in Mr. B.'s own words, "I know that "he who will fairly enter the lists with "*Anti*-Jacobinism, must be prepared to "encounter the utmost vengeance of the "most implacable malice." The utmost vengeance of attack was directed against the duke of Bedford on political matters, whilst he was alive, and the implacable malice of Mr. Bowles was not satiated by his death. The evidence upon which he proceeded to establish a fact, which to him was of no importance, and with which, neither he, nor the world had any thing to do, was very different from that upon which the frauds of the Dutch Commissioners can be most incontrovertibly placed. He propagated the calumny of the irreligion of the duke of Bedford upon this slender foundation. He had heard from a person, who said he had heard from another, who was the parish clerk of Woburn, that the duke of Bedford employed his labourers on a Sunday. The parish clerk, however, who was stated to be the author of the information, which a reverend gentleman of the Church of England gave to Mr. John Bowles, and which Mr. Bowles has declared to be a calumny so foul against the noble Duke, if not true, that it was impossible to suppose a clergyman of the Church of England could have fabricated the whole story; yet that parish clerk, when referred to, roundly asserts, "that no such fact ever existed: that he never could have said so, because it was not true, and whoever said so, was a villain for bringing up his name with so infamous a falsehood." When called upon to retract that poison which he had so maliciously circulated in the world, Mr. Bowles, modestly demanded the proof of a direct negative, to enable him to do justice to the memory of the Duke, and to quote his own words, said, "he should be very happy to find by clear, precise, and indisputable evidence, that no such fact ever existed." The proof of a negative is difficult: in this case, however, it so happened, that the proof could be afforded to him. When it was afforded, he denied justice to him whom he had so calumniated, and when his correspondence with Mr. Adam was published to the world, he commented upon that correspondence, in a way to leave the impression which he had endeavoured to create still existing on the public mind; at least, as far as depended upon himself. At that time, he was a gentleman in high repute, of great estimation, a man receiving the reward of his literary labours, an unblemished servant of the public, a person who was writing to accuse others of not having made proper and just returns of their incomes, upon which the tax might be levied: holding his head high in society, the censor of morals, and unsuspected of such a flagitious course of proceeding against the public as has now come to light. These were piping times with the Anti-Jacobins. One was fighting his way up to be an ambassador; another was preparing to govern the country in the shape of a secretary of state, and Mr. John Bowles, their supposed associate, who prepared the heavier parts of the composition, while the budding diplomatist and secretary were relaxing from their severer studies, in those humourous, political effusions, which adorn the page of the Anti-Ja-

cobin, was reclining in the dignity of his office in Broad-street, and dealing out his anathemas against all those who opposed that administration, which had so amply rewarded his past, and secured his future labours.—Many literary characters, of somewhat higher reputation than Mr. Bowles, have sighed in vain for that ease and retirement which he found. Dr. Johnson feelingly laments the want of easy circumstances and uninterrupted leisure, which are so favourable to literary pursuits. Mr. Bowles found the blessings of retirement, ease, and patronage. Under these auspicious circumstances, he produced a vast number of publications all of the same tendency; and although the right hon. gent., Mr. Rose, assures the house he never read a syllable in one of them, I can assure him that the title pages to some contain the words fourth (nay I believe fifth), edition, so that the doctrines and sentiments contained in them were pretty widely diffused: or an imposture was played off on the public. I had rather the latter should have been the case. But numerous as the writings may hereafter be, from this time forth they will be bereft of all venom. The Virgin is Unmasked, and can no longer be palmed upon the public for that which she is not.—Surely, Sir, the house will agree to all the Resolutions which have been proposed by my hon. friend! Will they accept of the course proposed by the Chancellor of the Exchequer; especially, after the line he tells you he means to adopt for the payment of these Commissioners? For what, are they to be remunerated? Not for their services, but for their cheats. Does he seriously mean to take a step beyond that which the Committee has pointed out, and which, I confess, I think one step too far? Does he recollect a passage in the Report, in which the Committee say, that "the "magnitude of the charges on the vessels "and cargoes sold, which manifests itself in "the difference between the gross and the "net proceeds, and in the excess of the "charges above the whole proceeds in the "case of many vessels, appears to de-"mand attention"? Has he adverted to that passage, I say: and having adverted to that passage, (which excites something more than suspicion in my mind, and must in that of the public, that there was fraud in the way of making up their accounts), can he venture to call upon the house to pass it by? Will the house not take it into its consideration? Will the house allow him to fulfil his intention of leaving in the hands of the Commissioners a greater share of their ill-gotten spoil, than the Committee would have awarded them? Is that possible? Sir, I think not. I speak with real confidence when I declare, that I do not think the Chancellor of the Exchequer will be able to persuade the house to adopt the mode of proceeding which he has suggested, and to come to a previous question upon all the Resolutions moved. —Sir, let the house recollect, that the real services performed by these Commissioners were very short. That for the last years they have been doing nothing; and that, according to the confession of one of the present Secretaries to the Treasury, theirs has, latterly, been only a legal existence, for the purpose of prosecuting claims; at least, ever since the year 1802, when enquiry was made why the Board should not be broken up. Up to that time, palliative reasons may be stated for the non-interference of administration; but from the moment it was known that the existence of such a Commission was only necessary for legal purposes, it is very surprizing that the number of Commissioners was not reduced to the lowest limit prescribed by the act of parliament, which was three, and the obvious saving to the public by such reduction would have been considerable.—I cannot admit, on the part of the public, of those excuses to their full extent, which are made on behalf of the different administrations, which have succeeded to that under which this Commission was instituted. It is very well for an administration to say "we were in office only for a very short time, and therefore you have no right to call us to account for not taking up the matter, which in the multiplicity of the business, thrown before us, which we had scarcely time to arrange, might escape our notice." On the part of my noble friend, and even of the present administration, (if it was not for one particular circumstance, as it regards them), such excuse might be urged. But the present administration have amongst them, that very Secretary to the Treasury whose attention was called during his former official situation to this matter; and which, upon his return to office, ought he not to have forgotten: and therefore they are without excuse. But are we to be defrauded with impunity, because the king has appointed a succession of ministers in virtue of his prerogative? Sir, as a member of parliament, I can accept of no such

excuse: and the king's ministers, without knowing who they are, have not done their duty in suffering these frauds to proceed. I hope the house will do its duty, and that now they are detected, and exposed, it will mark its reprobation of their conduct, and not suffer the conduct of ministers even to go without hints of that blame, to which all of them are, in their different degrees, obnoxious.—I will not consent, for one, that a single farthing shall be paid to the Commissioners until the whole of the public money shall have been restored. I do not believe what they say, that they cannot give an account of the interest they have made upon the public money. I cannot believe men, who, from their superior attainments in acuteness, method, and knowledge of figures, have been selected to conduct intricate matters of account for the public, when they come and tell me that in the management of their own private transactions, they have kept no account at all! Tell them, that if they do not render an accurate account of every farthing they have so made, in the most circumstantial manner, they shall not receive any recompence; and they will produce you every item of the account.—Sir, the Chancellor of the Exchequer and his colleagues may have some feeling for Mr. Bowles and his colleagues, some wish to palliate their delinquency: for Mr. Bowles, amongst other of his labours, has given to the world his sentiments on the side of No Popery (Oh! rare support of No Popery Bowles and No Popery Beazeley!) but it is most material, that the house should not be supine in noticing these transactions: for, I find it truly laid down in a quotation inserted in one of Mr. Bowles's pamphlets, "that "great danger arises from the supineness "of long-established power, and the want "of estimating, truly and in time, the ef- "fect of those arts now employed, sys- "tematically, for the overthrow of estab- "lishments of every kind."—Sir, I agree with that gentleman, in saying "that per- "haps, it may be impossible more accu- "rately to describe our moral character, "than by representing us in that middle "and most critical state, which retains so "much goodness, as to be capable of re- "formation, while it is so fast verging to "complete depravity, as to afford just oc- "casion to fear, that it will soon be too "bad to be corrected, except by a mira- "cle." And, I cannot conclude more forcibly, than by quoting another passage from his voluminous writings, wherein he says, "that these primary causes of cor- "ruption operate in a most alarming man- "ner in this country: at home, it is im- "possible to deny that an inordinate love "of pleasure, and an insatiable lust of "gain, have produced an alarming indif- "ference to every relative duty, and to "every social feeling: a sensible increase "of fraud, perfidy, knavery, and pecula- "tion, and a rapid approach to that state "of selfishness, which involves a total dis- "regard for the rights and advantages of "others." The following, which are the last words of the sentence, I cannot but suppose, he amply feels, and that "by a "just retribution," he has "completely "sacrificed his own felicity."

Mr. *Huskisson* spoke in vindication of the Treasury. The Dutch Commissioners, he said, were parliamentary commissioners; and it was considered, that, as in all similar cases, their remuneration was to be considered at the termination of their labours; but he never did conceive them entitled to deduct any per-centage for their own remuneration from the money passing through their hands, nor that they were entitled to poundage as prize agents. When the immense increase of business in the department of the Treasury since 1793, was considered, and the inadequacy of the number of persons allotted to transact that business, it was morally impossible that some things should not escape attention. He could appeal to the noble lord opposite him (lord H. Petty) for the truth of this observation; and the cause he could fairly assert existed in the backwardness of those at the head of affairs to increase the number of officers, and thereby add to the public expence, by which they would also expose themselves to the imputation of extending patronage. Notwithstanding the addition of an Assistant Secretary, and the indefatigable labours of himself and his colleagues, it was impossible to prevent the business from going into arrears. Under such circumstances, then, it was not surprizing if some omissions occasionally occurred.

Mr. *H. Thornton* explained, that although the Commissioners were not absolutely required by the act under which they were appointed, to put the money in their hands out at interest for the public advantage, yet they had put it out for their own emolument, and had put thereby a sum of 44,000*l.* into their own pockets.

Mr. *Ponsonby* thought it impossible that

the negligence of government for fourteen years could be passed over in the way proposed. But, if so, what should be said of the conduct of the Commissioners, who had been guilty of concealment and of making false statements, for the purpose of fraudulent advantage to themselves? Was it to be endured that at the worst they should only be called on to refund? It was not intended to charge ministers with any crime; but when inquiry was proposed into abuses, it would be very injurious in every sense to pass it by. Besides, the blame imputed was not to the government, but to the Dutch Commissioners. Did the right hon. gent. then invite them to pass over this, and by so doing, encourage other defaulters to persevere in their pursuits, with the hope of impunity; and this in a case where it was acknowledged that the Commissioners had helped themselves to a sum of no less than 25,000*l.* without any authority whatsoever? Was this the way in which the public was to be served? Would their constituents think they did their duty, if they shut their eyes against conduct such as was here developed? The Resolutions to his mind were mild, and only called on the house to do what imperious duty desired. It was said that one of the gentlemen (Mr. John Bowles) had published 32 pamphlets. He had seen one of them, and as the title was tempting he had looked into it. It was termed "A Moral "View of Society at the end of the 18th "Century;" and he should have been happy if at any time he could have presumed to possess that pure morality it professed to inculcate. Some of the passages he found peculiarly applicable to the present case. In one paragraph the writer observes, "Conscience has now not only "lost its power to restrain men from "crimes themselves, but even to excite "indignation in others; and crimes not "formerly tolerated, now find advocates "in persons laying claim to religious and "virtuous characters." Odious as hypocrisy was, the right hon. gent. could not but regard this as a tribute to his conscience. There was another passage, almost written one would suppose for the Commissioners: "A more convincing "proof can hardly be conceived of the "disregard of our duty than the growth "of peculation; and that so far from ren-"dering to Cæsar the things which are "Cæsar's, every person must be shocked "at the gross defalcations which every "where come within their view." Again: "Nothing can without a sense of religious "duties get the better of temptation." There must indeed have been something about this Mr. Bowles, but surely it could not be a sense of moral or religious duties, which rendered him not proof against temptation. It was clear that this gentleman, whatever might be the case of the other Commissioners, was at least not ignorant of the public duties imposed upon him by his situation. The right hon. gent. submitted, that the house could not pass over this business, without leaving some trace on their Journals of the sense they entertained of so gross and scandalous a transaction.

Mr. *Marryatt* rose and said: Mr. Speaker; I am aware, Sir, that I am about to volunteer upon a most arduous service, for I really rise with the view of offering a few words in behalf of that arch Anti Jacobin, Mr. John Bowles. In so doing, it is right I should premise that I can be influenced by no consideration of a personal nature; for my acquaintance with Mr. Bowles is so slight, that I never was in his house, nor he in mine: but I am influenced by those feelings, of which every man of a liberal mind must partake, when he hears such outrageous abuse lavished on a person who is not present to defend himself. This abuse has come with the worst grace imaginable from the hon. gentleman who has most indulged in it; for, if party zeal and party spirit be a sin, he may well exclaim with Falstaff, "Lord help the wicked." The hon. gentleman kept his temper perfectly well till he touched upon the 30 pamphlets which he attributes to the pen of Mr. Bowles; but at the mention of these pamphlets all his wrath was awakened, and I am justified in presuming that he means to visit the sins of the pamphleteer upon the head of the Dutch Commissioner. I maintain, Sir, that Mr. Bowles has as much right to publish his sentiments on any political topics, or on the public conduct of any public men, as the hon. gentleman himself. If the hon. gentleman disapproved the sentiments contained in those pamphlets, he was at liberty to answer them. Nay, for what I know, he may have answered them, for he also is a pamphleteer; and this perhaps, accounts for the extraordinary asperity in which he has indulged against Mr. Bowles, for two of a trade, they say, can never agree. Wits are gamecocks to one another; and the hon. gent.

has really crowed most outrageously loud, considering that his antagonist was not within hearing. He accuses Mr. Bowles of having invaded the silent retreats of the dead, in his reflections upon the character of the late Duke of Bedford. I am no friend, Sir, to reflections either upon the dead, or the absent, but I must observe to the hon. gentleman, that he was at the same moment committing that very fault of which he accused Mr. Bowles. He, too, invaded the silent retreats of the dead; and calumniated the memory of Mr. Pitt, when he charged him with having appointed Mr. Bowles one of the Dutch Commissioners, as a reward for his having written these 30 political pamphlets. No grosser anacronism, Sir, was ever committed by a man who suffers his resentment to get the better of his reflection; for a comparison of dates will immediately shew, that Mr. Bowles's appointment took place years before any of the pamphlets to which he alluded were written. I have heard Sir, and that from authority on which I can rely, that Mr. Bowles was first introduced to the notice of Mr. Pitt in consequence of the appearance of an anonymous Answer to Mr. Tom Paine's Age of Reason. This work attracted Mr. Pitt's attention, and led him to inquire the name of the author; he then sent for Mr. Bowles, and told him that he should be happy to serve him, whenever a fit opportunity offered, in consideration of the essential service which he had rendered to the cause of Religion and Government by that publication. I am persuaded, Sir, that every gentleman who hears me will think, that to provide an antidote for the poison contained in the Age of Reason, was a meritorious office; and I mention this anecdote, to the honour both of Mr. Pitt and Mr. Bowles.—An attack of a different kind has been made upon Mr. Bowles by the right hon. gentleman (Mr. Ponsonby) who has just sat down. He has performed the task of a reviewer, and entertained the house with a very ingenious critique on various passages from one of Mr. Bowles's pamphlets. From this specimen, Sir, I should not be surprised to see a new Review start up; and the Parliamentary Review, may perhaps rival even the Edinburgh Review; but, in that case, I fear we should have a schism among the gentlemen opposite to me, and that the house might be split into more parties than it is already divided into.—Dismissing Mr. John Bowles in his literary character, I shall now say something of him as a Dutch Commissioner. It appears by the Report of the Committee that upwards of 400 claims were referred to the decision of those Commissioners. Several of those claims were under my management, as agent for various correspondents of mine in the United States of America; and my negociations respecting them were principally carried on with Mr. Bowles, who, as a professional man, had the direction of that department. From the observations which I had then an opportunity of making on the conduct of Mr. Bowles, I can bear witness to the zeal and ability with which he managed that part of the concern; and I am persuaded, that by his indefatigable attention, and legal discrimination, an infinite number of litigations were rendered unnecessary, and much expence saved, both to the parties concerned, and to the public. His professional exertions continued to be necessary long after all the mercantile exertions of the Commissioners were at an end, in consequence of the law-suit with the Underwriters, which was only decided last year. If, therefore, particular consideration be due to any one of these Commissioners, more than to another, that particular consideration is due to the services of Mr. Bowles.—With respect to the general conduct of the Commissioners, as a body of men, I think it cannot be wholly justified; and my sentiments upon it accord very much with those of the Committee, whose report is now before the house. The Accounts, however, have not yet been fully examined; nor is the case fully before us. I think, therefore, that the whole matter ought to be referred to the Auditors of Public Accounts, in order that the investigation may be completed, before we undertake to pronounce our judgment. The object of the interference of Parliament ought to be practical good; which will not be promoted by voting theoretical propositions, containing reflections upon government in general, such as form the basis of the Resolution now proposed. I therefore concur in the amendment moved by the Chancellor of the Exchequer, and shall vote for the previous question.

Mr. *Peter Moore* condemned the conduct of ministers in attempting to stifle inquiry and censure on this, as on other occasions; and considered the proceedings of the Commissioners as a compound of fraud and peculation, for which the Attorney-General ought to be directed to prosecute.

Mr. *Henry Smith* was sorry to see the government coupled with the conduct of the Commissioners, which he considered such as the house was bound to mark their indignation against.

The *Solicitor General* for Scotland contended, that his right hon. friend (the Chancellor of the Exchequer) had no wish to veil the conduct of the Commissioners. He only wished to avoid passing an unmerited censure on government. If on examining the accounts of the Commissioners to the bottom it should turn out that fraud had been committed, parliament might then direct criminal steps to be taken.

Lord *Henry Petty* contended for the Resolutions of Mr. Ord. He could not perceive any impropriety in what was called the general censure upon government, as the Resolutions only stated facts. He commented in strong terms on the misconduct and prevarications of the Commissioners. It was not enough to appoint Committees. Their opinions and decisions ought to be followed up by the house so as to give the public the advantages they ought to derive from their investigations and reports. If the house shrunk from its duty, the public would entertain and express its opinion on their conduct.

Mr. *Barham* observed that the public mind had been disgusted with what had happened in that house in several recent cases. He alluded, as we understood, to the fate of the Reversion Bill, the cases of the Duke of York, lord Castlereagh, &c. &c. and now he feared the minister wished to complete this terrible climax, by refusing his assent to a mark of reprobation on a transaction, respecting the nature of which no man could doubt. He beseeched ministers and the house not to degrade parliament in the eyes of the country. It was impossible that the present system could go on much longer. If government set its face against public justice, the worst consequences might follow.—He begged of the right honourble the Chancellor of the Exchequer to open his eyes to what he was about. This was the moment in which it was possible to restore confidence to the people. He begged of him to pause before he carried through a vote of so painful a nature as that now proposed by him.

Mr. Secretary *Canning* maintained, that the executive was acting with the most scrupulous minuteness in giving effect to the Reports of the Finance and other Committees. The import of the present Resolutions, however, was to confound the conduct of government with that of the detected Commissioners. If the hon. gent. who opened the business had not proposed the two first Resolutions, his right hon. friend (Mr. Perceval) would not have moved the previous question. He saw no objection when the house should come to the third Resolution to agree to the substance of it. But, unless circumstances arose to call the attention of a Board so occupied as the Treasury was to the existence of such abuses as those now complained of, he did not admit that government could be to blame in not detecting them. The noble lord (H, Petty) was of a contrary opinion, and the expression of such sentiments by him was the more unobjectionable, because the being a species of self-sacrifice, gave it a particular air of candour. He asked the noble lord if he saw no danger in a declaration of such sentiments, and if it did nor go to infer a malversation in the government which did not exist? The right hon. Secretary then animadverted, with considerable wit and severity, on the observations which had fallen from an hon. member (Mr. Whitbread) respecting his connection, as a fellow-labourer, with Mr. John Bowles in a publication some years back. He declared that he had never any acquaintance with Mr. Bowles. His literary taste, he believed, might be different from that of the hon. member. He had seen the hon. member's sixpenny pamphlet, and he must in truth say, that in that sort of department Mr. Bowles beat the hon. member out and out. Perhaps, however, in point of honesty and sincerity, the hon. member might be superior. He (Mr.Canning) thought himself no more amenable to the hon. member for his share in the work alluded to, in which Mr. Bowles co-operated, than Mr. W. for his oratorical exertions in Westminster-hall was amenable to him in that house, where he had the good fortune and honour to sit with him.

Mr. *Tierney* spoke with much force and animation on the duty the house owed to its own character, and to the public, to come to a decision on the merits of these Commissioners. He thought the object of ministers was to do any thing that might suit their purposes, not to prevent that house from doing any act that might gain them credit with the public. The Attorney-General, or the

Privy Council, might do something, but the house of commons was to be deprived of the opportunity of acquiring or reviving the public estimation in which it ought to be held. He hoped and trusted that he should be that night in a majority.

Mr. *H. Thornton*, in order to obviate the objections to the several Resolutions, proposed to consolidate them in one, and in such terms as should meet general approbation. The Resolution he proposed to substitute for them was as follows: "That the Commissioners appointed in the year 1795 for the disposal of captured Dutch property, taking advantage of the *neglect* of the government to enquire into their proceedings, have, without authority, appropriated to their own use large and unreasonable profits; that they have privately taken interest on large balances of money which ought to have been lodged in the Bank of England; that they have refrained from giving correct and explicit information respecting the interest so taken to the Committee appointed for enquiring into the Public Expenditure; and that they have thereby been guilty of a great violation of their public duty."

Mr. Stephen supported ministers, and col. Ellison supported the Resolutions.

Mr. Ord, in a short reply, declared his intention of taking the sense of the house upon all his Resolutions.

The house then divided upon the first Resolution, when there appeared,

For the Resolution - - - - 77
Against it - - - - - - - - 102
Majority against it - - - —25

While strangers were excluded, we understand the other Resolutions were withdrawn, and Mr. Thornton's motion adopted; after a division upon the question for substituting the word "omission" for "neglect." The numbers upon the division were as follow:—

For the original Resolution - - 78
For the Amendment - - - 98
Majority for the word "omission"—20

List of the Minority.

Abercromby, hon. J.	Brogden, J.
Adams, C.	Carew, rt. hon. P.
Althorp, visc.	Cavendish, Wm.
Antonie, W. L.	Cocks, J.
Astley, sir J. H.	Colborne, N. W. R.
Barham, J. F.	Combe, H. C.
Baring, T.	Cooke, Bryan
Baring, A.	Creevey, Thomas
Bernard, Scrope	Cuthbert, J.
Biddulph, R. M.	Ferguson, general
Bouverie, hon. G.	Fitzpatrick, rt. hon. R.
Folkestone, visc.	Parnell, H.
Grattan, rt. hon. H.	Pelham, hon. C.
Halsey, Joseph	Petty, lord H.
Hamilton, lord A.	Ponsonby, rt. hon. G.
Herbert, H.	Power, R.
Horner, F.	Prittie, hon. F. A.
Howard, H.	Pym, F.
Hussey, Wm.	Romilly, sir S.
Johnes, T.	Saville, A.
Knapp, G.	Sharpe, R.
Lambe, hon. W.	Shipley, W.
Lambton, R. J.	Smith, S.
Leach, John	Smith, G.
Leycester, H.	Stanley, lord
Lloyd, sir E.	St. Aubyn, sir John
Lloyd, J. M.	Symonds, T. P.
Lyttleton, hon. W.	Talbot, R. W.
M'Donald, James	Taylor, C.
Manning, James	Taylor, M. A.
Martin, H.	Tierney, rt. hon. Geo.
Maule, hon. W.	Vernon, G. V.
Maxwell, W.	Walpole, hon. G.
Milton, lord	Western, C. C.
Moore, Peter	Wharton, J.
Mosley, sir Osw.	Whitbread, S.
Mostyn, sir Thos.	Wynne, C. W.
Newport, rt. hon. sir J.	Tellers.
O'Hara, C.	Ord, Wm.
Ossulston, lord	Calcraft, John

HOUSE OF LORDS.

Tuesday, May 2.

[Divorce Bills.] Lord *Auckland* said, that the question which he rose to bring forward related entirely to the discouragement of seductive adultery; a vice, which carries a sense of disgrace and distress into the families both of the seducer and of the victim of seduction; depriving the innocent children of the affections and protection of their parents; and exhibiting in the higher classes a depravity which lowers them in the public estimation, and at the same time tends to corrupt the minds and morals of the inferior orders of society.—It had long been matter of regret to many, that a vice of such malignity and mischief is not yet considered by our laws as a crime. We provide rigorously and industriously for the punishment of a long list of trivial offences against the persons and properties of individuals: but we totally overlook the assassins of domestic happiness. Adultery is subject only to the feeble coercion of the spiritual courts; in other words, it is left to its full range unrestrained and unheeded. The adulterer, indeed, may be compelled by a civil action to pay a pecuniary compensation, which in many cases the injured husband is ashamed to receive, and which in no case has the effect that a solitary impri-

sonment of two or three years would have for the purposes of reform and of example. Under these impressions, he (Lord Auckland) had inclined to propose once more to their lordships, the bill which they had passed nine years ago to make adultery punishable as a misdemeanor: but he had been discouraged by a recollection of the many long debates to which he had then subjected himself, and must be permitted to say:

"Non eadem est ætas, non mens."

He had also wished for a provision (which had been suggested to him by his noble and learned friend on the woolsack) against the practice, in prosecutions for adultery, of suffering judgment to go by default, in order to adjust privately at a tavern, such damages as may best suit the purposes of a profligate collusion.—Hitherto the interference of Parliament respecting seductive adultery has been confined to bills of divorce, given to the injured husband, "to annul his marriage and to enable him to marry again." That interference had been practised about 140 years, and in the latter part of the period had become scandalously frequent.—The practical construction of those bills of divorce has been, that the adulteress, though not specially enabled by any of the clauses, is at liberty to marry again, and even to marry the adulterer; and in many instances it is notorious, that the offending parties have intermarried accordingly. And thus it is that the faithless wife, by a special interference of Parliament, receives hire and salary instead of punishment, and becomes an encouragement to others to pursue the same course, in order to arrive at a similar gratification.—Parliamentary bills of divorce are liable to another glaring objection. Every remedial act of legislature should be equally within the reach of every class of the community. But bills of divorce, grounded as they are required to be on various expensive processes (amounting in some instances to 3 or 4,000*l*.), in the courts of common law, in the ecclesiastical courts, and at the bar of the two Houses, are confined to the opulent. And thus the interference of their lordships was employed to bring under the public eye the vices and excesses of the higher classes exclusively.—With these views, he (lord Auckland) would not be sorry if parliamentary divorces were altogether discontinued; but at all events it must be the duty, and therefore the wish, of their lordships, not to allow collusion and abuse, nor to be made the instruments of encouragement to conjugal infidelity.—As the law of England now stands, the divorced husband and wife are prohibited, by the ecclesiastical canons of 1603, from marrying again in the life-time of each other; and a bond to that effect is required accordingly.—By the law of Scotland the adulterer and adulteress can in no case intermarry after sentence of divorce. The evangelical law on these points had been variously interpreted, but it was not within his province and powers, nor indeed was it necessary to his purpose, to attempt to discuss it. His object was to adopt the principle of the Scotch law, as being proper, just, and expedient.—It notoriously and frequently happens, that adulteries take place on the unprincipled calculation that a change of husbands is desirable and attainable. The new compact is understood between the parties, and becomes a sort of honourable partnership of eventual dishonour, in some degree sanctioned and guaranteed by the surrounding society. The human mind is such a mixture of weakness and reasoning, that a woman can sometimes frame to herself an apology for the breach of her marriage vow, in the hope and speculation that she may contract a new engagement at the altar with the partner of her crime. By the prevention of such marriages, the code of seduction will be deprived of one of its principal allurements. But how will the prohibition operate on the seducer? It ought, if he possesses one latent spark of generosity, to deter him from an injury, for which all pretence to reparation is precluded; and undoubtedly, in many instances, it will have that effect.—We are told, however, by some, that it would be a more effectual discouragement to adultery, if the offending parties were compelled to intermarry. This suggestion, taken as an epigram, is not remarkable either for its novelty, its truth, or its wit; taken seriously, it would be a monstrous system of state policy to enable women to change their husbands as often as vice, caprice, or interest, might dictate. The process would be short and simple, and would of course be consummated, by the special intervention of parliament, on the very day of the royal assent to the bill of divorce.—But how will the prohibition operate on the unfortunate objects of seduction? There is a phrase of hackneyed levity, that "the woman who deliberates is lost?" but it

had been well said by a noble earl (Buckinghamshire) when this subject was debated heretofore, that when the prohibition in question shall be established, every woman who deliberates will be saved. Irretrievable ruin will present itself to her view.—It is no objection to the measure that it will not extend to the case of a married seducer. If he can contrive to break the heart of his deserted wife, the prohibition will eventually apply.—Still less is it an objection, that a standing order is less extensively binding than an act of parliament. It will be equally binding on ourselves as a rule for our proceeding, unless special cases can be imagined in which we should think it right to make an exception. And this mode is consonant to evident reason, and to the practice of both houses of parliament, in respect to each other. A reference to the Journals (from which lord Auckland stated several precedents) would shew the undoubted truth of this assertion. The proposition itself was not new. It had been brought forward first by the duke of Athol, in the form of a bill, in 1770: and again by the present bishop of Durham, in 1779; and for the third time in 1800. Their lordships' house had always passed the bill; but it had not received the concurrence of the house of commons.—In conclusion he trusted that he had shewn the measure in question to be right in its principle, expedient in its tendency, and correct in its mode. He did not seek to punish excesses, but to prevent them. It was not his wish to aggravate the sufferings of the unfortunate victim of adulterous seduction; but in the words of the poet

"To teach the unblemish'd to preserve with care
"That purity, whose loss is loss of all."

He then made the following motion: "Ordered, that no Bill, grounded on a Petition to this house to dissolve a marriage for the cause of adultery, and to enable the petitioner to marry again, shall be received by this house, unless a provision be inserted in such bill, that it shall not be lawful for the person, whose marriage with the petitioner shall be dissolved, to intermarry with any offending party, on account of whose adultery with such person, it shall be therein enacted, that such marriage shall be so dissolved. Provided, that if at the time of exhibiting the said bill, such offending party or parties shall be dead, such provision as aforesaid shall not be inserted in the said bill."

The Earl of *Radnor* expressed himself as having no inclination to oppose the motion of the noble lord, but was rather disposed to have gone still further in any measure, which might tend to the prevention of so many breaches of the conjugal vow. At the same time he could not refrain from noticing that one injurious consequence would result from that proposition becoming a standing order. It would eventually happen that cases would arise when it might be absolutely necessary or desirable that the order should be dispensed with. This would produce a very unpleasant inference, that favour was shewn in particular cases. He would rather have wished, that some general law could have been adopted, from which it would in no instance be necessary to deviate.

Lord *Mulgrave* entertained the same sentiments on this subject as he had before expressed. His lordship could not perceive how the great cause of morality could be effectually promoted by such a measure. The sum of 4,000*l.* seemed enormous in such a case; but if it were necessary to incur such expences, he should rather say that something should be done to make the matter more equal to the lower classes. He wished as much as any noble lord to diminish offences of this description, which had such baneful consequences, and was willing to do any thing in his power to carry into effect any measure for that purpose, as far as the mild and benignant spirit of our laws could be kept in view. But would morals be promoted by taking away almost the only chance of reforming and amending the life of the female? If noble lords would look at the instances of such persons divorced, who did not marry, and compare them with those who subsequently married, they would find a very great difference. Some unfortunate ladies had displayed, after their faults, a character that might even be called exemplary. He thought such a measure rather encouraged seducers, by taking away all remedy for misconduct. It certainly tended to make the woman a mistress in future and not a wife, and to shut up the door to repentance and reformation. He had a sincere desire to repress the evil, but he had a firm conviction that the prohibition had a tendency rather to increase it. He hoped to see something better proposed than a measure which, in its operation, might become so severe and cruel.

The Archbishop of *Canterbury*, after some

prefatory observations, said, that though he was not so fortunate as to hope by this measure to extinguish this great crime, yet he was happy to adopt any practical mode of preventing the facilities to the commission of adultery. It was, he lamented to say, very seldom that he could see their lordships' table pure and clean from the pollution of divorce bills, now becoming daily more frequent. So common indeed were they, that, to use the words of an old author, they seemed to be considered as the proper fruits of marriage. There was, he feared, hardly a pedigree that was not stained and broken by this sad frequency of crime. It was impossible that such things could last long. Marriage was, in fact, the basis of all our relations and duties in social life. It began with the creation, and it remained in the rudest elements of society. Its importance and sanctity were recognized by the universal consent of mankind. In this country, indeed, we did not exalt it into a sacrament; but we regarded it justly as a sacred institution. It was both a civil contract and a religious rite. His grace reviewed the state of matrimonial obligations among the Romans, and shewed, from a variety of illustrations and quotations, the immense importance of guarding them from the intrusions of licentiousness. The misery that the crime of adultery caused to families was of the most serious nature. There was one result of such criminality, which it was the highest duty and soundest policy of any state to prevent; he meant the neglect of children, which was its natural consequence. His grace would not take upon himself to say how far, in ancient times, the barbarous practice of the exposure of children might have arisen from this offence; but he was sure that its frequency might be fairly considered as leading to the greatest indifference, and most shocking carelessness and neglect of our offspring. His grace then proceeded to the religious view of the question, and entered into the history of the customs of the western world on the subject of marriage, which until the Reformation, were considered here indissoluble. After that great event, persons were set at liberty in cases of adultery; and subsequently the marriage of those divorced by act of parliament, took place. With respect to his opinion, and that of his learned and reverend brethren on the bench, his grace observed, that by the divine law there was a liberty to marry again, or else unquestionably that reverend bench would, before now, have interposed. He quoted passages from Holy Writ, in the original Greek, and in the vernacular tongue, expressive of the scripture doctrine on this subject, and made a variety of remarks, and used many arguments which we are sorry we are unable to detail. He concluded a very argumentative and eloquent speech by declaring that he thought the measure an act of mercy.—It was to take out of the mouth of the seducer his specious, delusive, and fatal arguments and temptations, to prevent him from recommending himself to the weak by saying he meant nothing dishonourable, and pointing out a future marriage as a source of future and augmented felicity; the means by which female virtue was but too often and too successfully assailed. He felt it to be his duty, in the hope of attaining some good, to support the motion now before their lordships.

Lord *Erskine* supported the motion. He highly complimented the right reverend prelate for the sentiments he had uttered, and dwelt with much eloquence on the institution of marriage, the vast influence it had on society, and the innumerable and inestimable duties and benefits that flowed from it in all our relations, hopes, and prospects. It was most extraordinary that the legislature could permit the foundadation of such a connection to exist in the commission of a crime that struck at its very root, and should enable those to enter into all its advantages, who had treated it with contempt and scorn by the non-observance and violation of all the duties it imposed. The adoption of the proposed standing order did not prevent their lordships from acting in particular cases as might seem to them fitting: but the difference was abundant between the rule and the exceptions. What greater misdemeanor could there be than seductive adultery? A misdemeanor was a private wrong, but a wrong that injured the peace and happiness of society; and surely nuisances and assaults were inferior in the comparison. His lordship painted the picture of a family ruined by this afflicting offence; the woman degraded and forbidden; the children neglected and despised; the husband made a mark for the finger of scorn to point at. He had voted formerly in a minority in the house of commons on this question. He had, in

near thirty years practice at the bar, been concerned in, or conducted almost every case of this sort in the chief criminal court of the kingdom. Much came to his knowledge that could not come before the court, and the result of his experience was, that the prospect of the intermarriage of the offenders was a very great facility to the commission of the offence. He thought the passing of the motion would be a memorial of their lordships' wisdom.

The *Lord Chancellor* argued in favour of the motion on various grounds, but rejected the opinion that the offence was much increased of later years. As to the expences of a suit, that must depend upon the circumstances of the particular case. His lordship reviewed and explained the law as it stood, respecting divorces. The intermarriage of the parties could not have been in contemplation when divorces *à vinculo matrimonii* were first granted. He stated the difference between such a divorce, and one merely *à mensa et thoro*, and noticed the circumstance of the bond entered into in such cases. He did not impugn the marriages that had occurred under such circumstances as divorces *à vinculo matrimonii*, but thought that the form of their lordships' proceedings on such subjects required amendment. This was no undue stretch, since the house already demanded in the first instance, the proceedings of the ecclesiastical court, the examination of witnesses, and the verdict of a jury for damages. He admitted that there were cases which men of feeling and generosity would be inclined to relieve, but it was impossible to look at a legislative measure with such feelings. As legislators, what they were to do, was for the general benefit.

Lord *Grenville* thought nothing more likely to corrupt the female mind than the prospect held out of an after-marriage with the seducer. Punishment he considered intended entirely for prevention: and the sort of punishment proposed he thought necessary, for the sake of wives themselves, as well as for the happiness of families. He exposed the futility of any argument drawn from an anticipated difference of opinion in the house of commons, since, if that were admitted, it would go to prove the impracticability of two distinct and independent bodies carrying on the work of legislation. He thought the expences mentioned in a suit of this kind much larger than any circumstances seemed to warrant. On the present footing, it was impossible for any limitation of such expences to bring relief to the lower classes of society. The present system was a wrong one. It proceeded entirely on the principle of granting a private favour by act of parliament; and the man who could devise a good remedy for the inconveniences attending the present system, would confer a great benefit on the country. He supported the proposition with much force, but considered that more good was still to be accomplished.

Earl *Stanhope* rose, he said, not to teach divinity to my lords the bishops, but chiefly to oppose the Lord Chancellor's law. He declared that he would lay his lordship flat upon his back, and make him unsay what he had said about the intermarriages of the criminal parties, before he had done with him. His lordship had questioned the validity of those marriages. Why, then, were all the children bastards, and to lose their estates? As for the people at Doctors'-Commons, they were the absurdest fellows in the world. What did they mean by a bond not to do that which they had no right to do? As to pecuniary penalties, if the lawyers did not like to learn some law from him, he should give them a little from Mr. Dunning, who was a very good lawyer. He was once speaking to Mr. Dunning about pecuniary penalties for offences, and Mr. Dunning gave him a sort of definition of a pecuniary penalty. He told him that a pecuniary penalty was only the payment of a sum for doing that which was illegal. A man paid the penalty (say 20,000*l.*), and then he had done no more than he had a right to in breaking the law. If the commons rejected the clause proposed to be inserted, would their lordships be so unjust as to refuse the relief they thought proper to give at first, merely to save their standing order? Would not this be individual injustice for the sake of a general theory? He had heard his noble relation (lord Grenville) make one of the finest speeches he ever heard in his life against the slave trade, which the noble lord with the star opposite, (the earl of Westmoreland), thought was very beneficial to mankind, and then his noble relation confuted that practice, which by his speech this night he actually supported. Besides, could not that house pass the bill without the clause? He should not speak at length because there was so thin an attendance on so important a subject.

The *Lord Chancellor* with great good

humour explained his former observations, and shewed the misconceptions into which the noble earl had fallen. He was very sorry that the noble earl had misunderstood him; but was much afraid they should not soon understand each other any better.

The Earl of *Liverpool* supported the bill, and lord Darnley entertained a different opinion. His lordship disapproved of the practice of the courts, so much recommended by a late noble and learned judge, of giving heavy damages in cases, where, to any honourable mind, money could be no compensation.

The house then divided,

For Lord Auckland's motion	28
Against it - - - - - - - -	12
Majority for the Standing Order	16

PROTEST entered against the Standing Order moved May 2, that in all Divorce Bills that are brought in in future there must be a clause to prevent the intermarriage of the criminal parties.

DISSENTIENT,—1st, Because the Resolution which has been moved this day, with respect to Divorce Bills, appears to us founded merely on a speculation that some good may be produced by it, when no reasonable hope of success has been held out, from the exampe of any other country where this has been tried. And it appears to us, that instead of diminishing the evil complained of, the utmost that can be expected from it is, that it may tend to conceal adultery.

2dly, Because we consider it to be unwise in this house to arrogate to itself the sole right of legislating on this question, and not to allow the other house of parliament the power of deliberating upon so material an alteration in the laws of England.

3dly, Because the right of making a Standing Order upon a public question on which great diversity of opinion prevails, should be exercised with great caution, and must excite jealousy in the other branch of the Legislature.

PONSONBY, BERKELEY.

HOUSE OF COMMONS.

Tuesday, May 2.

[INSOLVENT DEBTORS BILL.] Sir *Thomas Turton* rose, agreeably to notice, to move for leave to bring in a bill for the relief of certain Insolvent Debtors. A bill of this description having recently passed for Ireland, the hon. baronet saw no reason why the same indulgence should not be granted to the unfortunate objects of it in this country. He was sorry to say that the number of persons suffering from imprisonment for debt at present were not less than one third more than that which interested the humanity of the legislature upon the last Insolvency bill. Those sufferers, indeed, including the wives and children, and prisoners, amounted to above 18,200 persons; many of whom were enduring a degree of misery which could hardly be imagined by those unacquainted with their situation; many of whom were in fact, actually starving. But no man acquainted with the world could be quite unaware of their circumstances, and no man susceptible of a generous or just feeling could be indifferent to their claims. A conception had, he understood, prevailed, that the act of last session, to facilitate the relief of persons confined for sums under 20*l.* would have the effect of an Insolvency act. But nothing could be a greater mistake; for that act extended to but a very few indeed. For instance, of 389 prisoners in the King's Bench, there were only 33 confined for a sum under 20*l.* Therefore, that measure was calculated to afford very little comparative relief.—The hon. baronet stated, that he meant to propose an alteration in the Committee upon this bill. Hitherto the benefit of an Insolvency act was confined to those whose debts did not exceed 1,500*l.*; but he hoped when the difference in the value of money, combined with other circumstances connected with public distress, were taken into consideration, it would not be deemed inadmissible to extend the limit to 2,000*l.* It was also his intention to introduce a new clause, extending the advantages of the act to privileged places, such as the Isle of Man. Indeed, he could see no reason why these places should not be included, if the persons confined in them would come forward and surrender their property in the usual way, to claim the benefit of the act.—After remarking upon some delays which he complained of having met with in preparing his bill, in consequence of incivility and obstruction in certain offices of the house, the honourable baronet concluded by making his motion.

The *Chancellor of the Exchequer* did not rise to oppose the motion, but to observe

that to guard against such obstruction in the progress of business as the hon. bart. alluded to, it might perhaps be proper to have a person appointed to assist members in putting their bills into a regular shape and form; but before such an appointment should be made, it would, of course, be proper to institute an inquiry into the subject by a committee of the house.

The *Speaker* stated, that it was the invariable custom for every member to prepare and bring forward his own bill; still if any clerk belonging to the house should refuse to give a member any assistance in his power, when asked to do so, such conduct would be without excuse. Whether any officer should be specially appointed to aid members in drawing up their bills, it would be for the house itself to consider. He only stated the practice, and he would only add, that every member must know from his own experience, here and elsewhere, that it was not a thing of utter impracticability for any member to write a few sheets of paper.—Leave was given to bring in the bill.

[IRISH BOGS DRAINING BILL.] Mr. *Foster* rose to move for leave to bring in a bill for contriving the means of draining and reclaiming the Bogs of Ireland. That this measure was desirable no man acquainted with Ireland could hesitate to admit, and that it was practicable must be obvious from a consideration of the state of the Bog of Allen, which was the largest Bog in that country. It was ascertained through the locks erected upon the canals, that the solid earth was not less than 180 feet above the level of the sea. Of course no doubt could exist as to the practicability of draining it. The object of his bill was to appoint commissioners who should undertake without salaries to examine the other Bogs of Ireland, and to suggest the means by which they might be drained, and the interests of all proprietors conciliated. The expence of such Commissioners was not to exceed an allowance to surveyors, or the persons immediately employed in exploring the Bogs. As to the benefits likely to result from this undertaking, the right hon. gentleman thought it unnecessary to say more, than that half the ground of those reclaimed Bogs, converted to purposes of agriculture, would produce in a year more corn than had ever been imported into Great Britain in any one year, while the other half would grow more hemp and flax, for which the ground would be peculiarly calculated, than would serve for the consumption of Great Britain and Ireland. With such advantages in view, he trusted that no objection could arise to this motion.

After a few words from general Tarleton, the right hon. gent.'s motion was agreed to.

[MILITIA COMPLETION BILL.] On the question for the third reading of this bill,

Sir *T. Turton* could not suffer this bill finally to pass through the house without giving it his reprehension. He could not consent to keep up a much larger standing army than the necessity of the times required, and he therefore saw no necessity for adding to it now, when there was no immediate danger of invasion. As for sending armies to the continent to contend against the armies of France, he thought that this country was in no situation to cope by land with France, and therefore that we should not attempt it. The annual expence of our military force was now prodigious, amounting to nearly 25 millions, while we had in arms near 700,000 men. He saw no reason for such a vast expenditure of money, or for tearing so many men from their ordinary avocations.

Mr. *Wilberforce* thought that those general declarations against standing armies were very dangerous at the present times. Experience had abundantly proved that it was only by regular armies well supplied, that regular armies were to be effectually resisted. If we wished for security, we must not refuse to pay for it. He disapproved very much of the language which had been held out of doors, and which went to persuade people that this was an enslaved country. For his part, he conceived that it was the most free and happy country in the universe, and he was thankful to providence for assigning it as his lot to be born in this country, and in the present times. As to the conduct of ministers with respect to Spain and Portugal, he thought they were rather too forward than too backward in the assistance they gave. This was an error, however, on the right side, and agreeable to the general feeling of the nation.

Mr. *Hawkins Browne* was of the same opinion, and could not agree with those who were against preparation, from the supposition that invasion was not to be dreaded, and that the deliverance of Europe, or any part of it, was absolutely hopeless.

Mr. *Windham* spoke in support of those

military opinions which he had so often expressed in the house. He could not allow that the Local Militia was worth the money it cost, or that it would be in any way better than the Training bill. There were always men enough in the country, and it appeared to him that if, without going to the expence of cloathing or training them, they were simply to be enrolled and incorporated with the army, they would be of more use than locked up in such corps as these under militia officers. He could not see why government now wanted so large an accession to the army as 24,000. Was it that we had suffered losses in Spain to any thing near that amount? or was it, that by their alterations in the system he had the honour of introducing, that the ordinary recruiting had now become defective? He hoped that ministers did not intend to send out expeditions to wage war against the yellow fever in the West Indies. Victories in that part of the world did not increase the confidence of our allies. He really did not wish to trust ministers with large armies, until he had some idea what they meant to do with them. The noble lord's conduct in the disposal of our military means, reminded him of a remark applied to one of his predecessors, that money must be employed, else it would burn him if kept in his pockets. Thus it was with the noble lord, give him an increase of the army, and he was ready to throw it away upon any trash. The right hon. member then took a review of all the military improvements introduced by the noble lord; and adverted to our idle attacks upon the West India islands, lately in the possession of France. Was it proper to make such an application of our means for Sugar Islands, at a moment when this country was actually gorged with sugar?

Lord *Castlereagh* saw no reason in the arguments of the right hon. gentleman to change the wise system which parliament had adopted. With respect to the expedition against Martinique, he should say that, independent of commercial advantages, the exclusion of France from any possession in that quarter of the world, must at least diminish the drafts of British troops to the defence of our colonial possessions.

Mr. *P. Moore* said, that little as he had made military matters his study, he could not help being struck with the case made out this night by the hon. baronet (sir T. Turton) and the right hon. gentleman (Mr. Windham) near him. He had given his best attention to the whole debate, and they had perfectly convinced him that the present measure, as well as the Local Militia bill, already passed, were both unnecessary, and if necessary, incompetent to their object, while they burthened the country with an expence of four millions per annum, and distressed its population. The right hon. gentleman (Mr. Windham) had said, that, from the indifference in which these bills had passed, the country seemed dead to its true interests, Mr. Moore said, that it was not the country that was dead to its interests, but it was their representatives in parliament who were dead to a true sense of their duty. He saw the measure was wholly unnecessary, and to justify himself in the opinion of his constituents, he would take the sense of the house upon it; they should at least know that he was at his post, and doing his duty.

The *Chancellor of the Exchequer* said, the bill had already been so fully and frequently discussed, that even the rich and fertile mind of the right hon. gent. Mr. Windham had not that night been able to advance any thing new upon it. It was not, therefore, to be wondered at, that the members of that house, who had listened to so many discussion, and made up their minds on the subject, should not think it necessary to attend this last stage of it. It was that, and not any inattention to the interests of the public, that caused so thin a house at that moment.

Mr. *H. Martin* said, he thought the great danger of the country at the present crisis would arise from the enormous increase of its expenditure. The house ought, therefore, carefully to guard against all unnecessary expences; and as the present measure would, without any just cause, add 1,200,000*l.* to the burdens of the people, who were already extremely distressed, he should vote against the third reading of the bill.

A division accordingly took place. For the third reading, 57. Against it, 8. The bill was then read a third time and passed.

HOUSE OF COMMONS.

Wednesday, May 3.

[Stamp Office.]—Mr. *Whitbread*, referring to the accounts laid before the house, of the incidental expences of the Stamp Office departments in Eng-

land and Scotland, particularly pointed out some items in the accounts for England, which he thought required investigation. There were a number of trifling articles paid by the commissioners of their own authority, which he thought required investigation, such as servants wages to the house-keeper, and other small sums amounting to between 300*l.* and 400*l.* There was also a considerable sum of upwards of 2,700*l.* yearly charged as allowances to stampers for extra hours at 6*d.* per hour. He understood that all the servants of the office were paid for their time. If the salaries were too small they ought to be encreased. The only, and surely the most economical way, to have good servants, was to give them adequate and liberal salaries. He observed also a sum of 50*l.* to the warehouse-keeper for an increase of duty. All these sums he conceived should be made by public grant, and not at the discretion of the commissioners. In Scotland the items granted in this way were even to a greater amount, and there was one item which appeared to him to be particularly objectionable. This was a sum for premiums for procuring good bills for remitting the Stamp Duties from Scotland to England. He concluded by moving for an Account of the mode of managing, and Charges for managing the Stamp Duties in Scotland for the last two years, distinguishing each particular Charge. Also for the authority under which the different extra and incidental expences were paid in England and Scotland. And also for an account of the premiums for procuring good bills for remitting the Stamp Duties in Scotland to this country.

Mr. *Huskisson* agreed that the premiums for procuring good bills for the purpose of transmitting the Duties from Scotland to England, were an unnecessary expence. It arose from this circumstance, that the Bills sent were at ten instead of forty or fifty days. It was not necessary, however, that the bills should be at ten days date, and in future this expence would be avoided. To explain that, till now, the existence of this mode of conducting the business was unknown, he should move for a letter from G. Harrison, esq. on that subject.

Mr. Whitbread's motions, and the additional motion of Mr. Huskisson, were then put and agreed to.

[Campaign in Spain.] Earl *Temple*, agreeably to notice, moved for copies of all Communications to the Medical Board in England by the Medical Staff of our Army in Spain, as to the state of the Sick and Wounded of that Army subsequent to their landing in Spain; and for a Return of the amount of sick and wounded, who arrived in this country; also for a Return of the deaths among the sick and wounded in that Army after their return to this country. He grounded his motion on complaints said to have been made, that the same inadequate equipment was to be found in the Medical Department as in the whole of the other branches of that army.

Lord *Castlereagh* opposed the motion, on the grounds that there was no precedent to support it; that there was no occasion for it, as it could produce no public good; and that it could not afford any adequate information on the subject without a comparison with the sick in other armies at home. He had no wish to disguise, that from the great fatigue it had undergone, the army in question had had a greater proportion of sick than most other armies, and that a fever had prevailed on its first landing in this country. By the exertion of the medical men, however, this had been got under; and he was happy to say that the army was now restored to perfect health. He saw no reason, therefore, having never heard any complaints on the subject alluded to by the noble lord, for departing from the general rule, particularly where a deviation from it was likely to produce injurious rather than beneficial effects.

Mr. *Whitbread* was of opinion, that where the country incurred great expence in paying an Apothecary-General, and a great Medical Staff, it became the duty of that house to see that the business for which these gentlemen were paid was properly attended to. He understood that complaints had been made, not only of a deficiency of medical aid in this army, but also of a deficiency of medical stores. He admitted that our army was greatly exposed to disease, both in the course of the campaign, and also on its return home, and that the detail of such distresses would be disastrous to contemplate. But, on the other hand, if complaints were made that these disasters proceeded from a want of medical aid, or from a deficiency of medical stores, he thought it impossible for the noble lord to refuse compliance with the motion.

Lord *Castlereagh* declared, that no such complaints had ever come to his ears, either directly or indirectly, and that this was the first intimation he had ever heard on the subject. He pledged himself to enquire into the fact.

General *Tarleton* said, it was true that no such return was called for when the troops returned from Dunkirk or the Helder; but then they were by no means so numerous as those upon the expeditions to Portugal and Spain, who also had suffered much greater hardships. As a soldier, he rejected the assertion of the noble lord, that such an inquiry had a tendency to damp the ardour of the troops. On the contrary, nothing could more highly excite that ardour, or more firmly attach them to the service, than to find a strict attention paid by their leaders to provide for their accommodations, their comforts, and their wants. No evil could result from the enquiry in the present case. If the rumour was unfounded, the fallacy would be proved, and the country satisfied.

The *Chancellor of the Exchequer* could not see that the papers moved for would throw any material light on the subject. The number of those killed and wounded in a campaign, or the number who died subsequently, either of their wounds, or the fatigue of a very rapid retreat in the midst of winter, would not, of itself, imply any charge against the medical board, or medical assistants. The house should be satisfied, or at least have reason to believe, that there was some loss occasioned by this cause, before they instituted inquiry. If, however, any regular complaint was made of actual loss from either of those causes, he would allow, that it would be proper that there should be an inquiry.

Mr. *Freemantle* thought the motion was proper upon other grounds. If any unusual number of men were lost upon any expedition, it was necessary to find out the cause. If, instead of the blame attaching to the medical board, it was found to have proceeded from bad arrangements in the transport service, and from the manner in which they were embarked; this also, though affecting ministers more than the medical board, was a proper subject of inquiry, and it was therefore necessary that the facts should be ascertained.

Mr. *Wilberforce* said, he would not feel comfortable in negativing a motion which proceeded from an anxiety to inquire into any thing which concerned the lives or health of those concerned in expeditions. He knew that in the administration of lord Melville, great improvements were made in the mode of embarking the troops, which improvements he supposed were still in force. He hoped, however, that if the motion were withdrawn, it would be perfectly understood that the subject would undergo a full inquiry out of doors.

Lord *Castlereagh* said, if there had been no particular inquiry hitherto upon that point, it was because he had never heard such a complaint made before; and there was nothing on the face of the papers to lead him to suspect any fault in this department. As the subject, however, had been mentioned in the house, he should make it his business to inquire particularly.

Earl *Temple*, in consequence of this promise of the noble lord, consented to withdraw his motion.

HOUSE OF LORDS.

Thursday, May 4.

[AMERICA— AFFAIR OF THE CHESAPEAKE.] The Earl of *Selkirk* rose to make his promised motion relative to the Affair of the Chesapeake. He had long wished to hear the question brought forward by some person of more weight in the house; that hope had been disappointed, and circumstances did not allow the subject to be longer delayed. In a former negotiation to which this affair had led, ministers had shewn a disposition to make improper concessions. A renewal of the negotiation being probable, the interposition of the house became necessary, to prevent a sacrifice of our national honour, and with it our first national interest, the maintenance of our maritime preponderance. Nothing, he trusted, was yet irrevocably concluded, and an expression of the sense of the house might prevent the evil. Under these circumstances, it was the duty of the house to offer its advice, as the hereditary council of the crown; and the house would not abandon that privilege and that duty, notwithstanding the novel doctrine lately broached, that no subject of discussion was fit to be entertained by the house, unless ministers had given their consent to the enquiry.—It was the more necessary to bring forward this discussion, on account of the misapprehensions which prevailed as to the real state of the case. It was a matter of notoriety, that admiral Berkeley having intelligence that certain British deserters were on board the American frigate, gave orders to demand their

restoration, and in case of resistance to search for them by force. It was well known that our government had immediately disavowed this act, and offered to make reparation for it. Their conduct in this respect has met with little animadversion. The attack had been considered as an unwarrantable aggression: but it could only be considered in that light from a total inattention to the circumstances which led to it—circumstances of which the public do not seem to have been fully informed. The question has been stated as if it rested entirely upon the right of searching neutral ships, and it has been laid down as incontestible, that this right does not extend to national vessels commissioned by a neutral state. Admitting this, however, on what does the distinction rest between national and private ships? It cannot be contended that to seduce away deserters, though a violation of our national rights when done by a private individual, is no offence from persons in the immediate employment of a government. But in this case the government being answerable for the conduct of its servants, is presumed to be willing, on proper application, to redress the wrong and punish the offender. It is because there is no such means of redress in the case of private offenders, that it must be taken by summary means. But if a government refuses to redress notorious wrong committed by their servants against the rights of another country, they are guilty of an act of hostility; they have given justifiable cause of war; the grounds of the distinction in favour of the national commission are done away; and redress must be sought by the same summary means as in the case of individuals. The American government put itself decidedly into this predicament. The officers employed in fitting out the Chesapeake frigate received and protected men notoriously deserters from the British navy. Numerous applications from their officers were refused or evaded; and the American government, when applied to by our consul and envoy, would give no redress. —Lord Selkirk entered into a detail of facts in proof of these assertions. Ratford, one of the deserters seized on board the Chesapeake, was afterwards seized at Halifax, when it was clearly proved that he and several others had deserted, under circumstances aggravated by mutiny, and had been received the very next day at Norfolk in Virginia as recruits for the American service. At the suggestion of the American officer, they entered themselves by false names; and this officer, when applied to by the captain and the British consul, pretended to know of no such men, though they had been seen parading openly under the American flag, in sight of the British officers, who offered to point them out. Every application was evaded with shameful prevarication; nor were these confined to officers of inferior rank. Two others of the deserters taken out of the Chesapeake, made voluntary confession at Halifax, in which they declared that commodore Barron had promised to protect them, "though they were deserters from an English man of war," and yet the answer of commodore Barron to captain Humphries of the Leopard, when he demanded the deserters, was, that he knew of none such being on board. Ratford was proved and acknowledged himself to be born in London; yet the president of the United States, in the proclamation issued after the attack on the Chesapeake, asserts, that "it had been ascertained that the men demanded were native born Americans." It was repeatedly professed that orders had been given to enlist no British deserters; and yet after the trial of Ratford had clearly proved that this order had not been obeyed, no inquiry was ever instituted into the conduct of their officers. This alone was sufficient to make the American government a party to the offence. But there was further ground to believe that they had all along connived at it. The British consul in Virginia had forwarded to Mr. Erskine a statement of the desertion of Ratford and his associates, with a description of their persons, by which Ratford in particular might have been identified with perfect ease and certainty. These documents must of course have been communicated to the American government by Mr. Erskine, which would appear if this correspondence were produced. Taking the whole circumstances together, nothing could be more absurd than to treat the attack on the Chesapeake as an unprovoked outrage. A palpable offence had been committed against our national rights, and all redress being refused, there was no alternative left, but to take it into our own hands. It is objected, indeed, that by the orders he gave, admiral Berkeley went beyond his power and his just province, taking upon himself to decide questions of peace or war. This, however, cannot affect the question be-

tween the two nations. Admiral Berkeley did no more than his government had a just right to order him to do; whether he acted by previous orders or not, could only be a question between him and his own government. Nothing had been done by Britain against America, more than the conduct of America had fully justified. That was not a proper case for the offer of reparation; if any were due, it would be from that government which had encouraged its officers in a voluntary infringement of our national rights. To make an offer of reparation, in the unqualified manner in which it had been made, was equivalent to an admission, that the Americans had been guilty of no offence; in other words, that their government might seduce away our men without question; or that, if such acts were covered with a sufficient coat of prevarication and falsehood, no other satisfaction would be required. To acquiesce in such conduct could only lead to further provocations: and if this needed any proof, it would be found in the circumstance, that at the very time when the American officers in Virginia were enticing away British deserters, the civil power in Maryland was employed to aid the officers of a French ship to recover some of theirs. Much has been said of the provocations given to America by the British government, yet what comparison can the utmost exaggeration make between those provocations which America resents so vehemently when coming from Britain, and those to which she has quietly submitted from France. The French government, however, has at least had the merit of being uniform and consistent; while the vacillating and unsteady policy of Britain, leading the Americans to expect the most extravagant concessions, is the real cause of their violence against us. The present ministers had shewn a more steady resistance to these demands, than on many former occasions; and so far at least their conduct had certainly been advantageous to the country. —Upon the facts already stated, lord Selkirk argued, that sufficient grounds had been laid for an address to the throne to state the opinion of the house, that satisfaction ought to be demanded from the American government, for the conduct of their officers, in seducing deserters from his majesty's naval service. That proposition rested on the acknowledged principles of the law of nations. But the question was closely connected with the general maritime rights of Great Britain; rights which were to be maintained on much broader grounds. The claim of this kingdom to the dominion of the seas has been treated by some of the highest authorities on the law of nations, as altogether untenable, and is still looked upon by many enlightened men as a fanciful creation of vulgar prejudice. But the circumstances of the world have so completely changed within the last twenty years, that the reasonings of Grotius and Puffendorf are no longer applicable to the existing state of things. On the very principles laid down by these eminent writers, there is now ground for asserting, on the part of Great Britain, a paramount right of jurisdiction over the ocean, founded on the same principles on which any other legitimate sovereignty can be claimed; on the principle that allegiance and protection are reciprocal duties. The British navy is the power which alone protects the freedom of the seas. A gigantic usurpation has overpowered the continent of Europe, and pursues its lawless course towards universal empire, setting at defiance all the restraints of justice and morality; and were it not checked by the naval power of Great Britain, would assuredly be as tyrannical at sea as at land. The former conduct of France towards America itself is a sufficient proof of this. The Americans cannot have forgot the rapine, violence, and insult of the French cruizers from the year 1797 to 1799. The French government, now the champion of the liberty of the seas, then set up against neutral commerce pretensions the most monstrous, and in a state of professed peace exercised unheard-of depredations on the American commerce. Every vessel which contained a single article of British produce or manufacture was condemned as prize, with all its cargo. On this and other such pretences, without a shadow of right, depredations were committed to the extent of 20 or 30 millions of dollars. In less than two years at least 300 American ships had in this way been condemned, for all which no reparation has to this day been made. The American government submitted, without venturing upon one act of retaliation; and at length concluded, in 1800, a treaty with France, in which the adjustment of the sums mutually due and claimed, is put off to a more convenient opportunity. These captures were accompanied by every species of cruelty and insult. American captains were confined in irons, flogged, and even

tortured. These facts rest on no doubtful authority. Mr. King, their ambassador at London, himself attests the case of an American captain, on whose hands he saw the marks of the thumb-screws. To all this, though continued for several years, the American government was obliged to submit; and if they are not still under the necessity of submitting to such treatment, it is the British navy which protects them. All other neutrals are in the same predicament. Not one of them would be able to maintain their own rights against the power of France. While the splendid victories of our navy have invested this nation with power to dictate the laws which are to govern the ocean, nothing is wanted but a just and equitable exercise of this power to put it on the same footing with any other legitimate jurisdiction. It is no less for our interest than our honour to obviate every probability of its being exerted unjustly. The dominion of the seas, for which we ought to contend, is not the mere vague ascendancy of superior force—an ascendancy which, being exercised without rule, may occasionally be absurd, but a regular, systematic, organized sovereignty, under which we ought to give to the commerce of all maritime independent nations the same protection as to our own, but with the express condition of their concurring with us in the measures which are necessary for the maintenance of that naval power, which is the last stay of the liberties of the world. Upon these principles, the British naval power might be rendered the basis of a grand maritime confederacy, under which the commercial rights of the associated states might be clearly defined and secured against all interruption. To such nations as are disposed to enter frankly into these views, every commercial advantage, which we can bestow, ought freely to be communicated. Those countries, on the other hand, which are under the controul of our antagonist, ought not to be allowed to navigate a ship. If it be not an idle fancy now to think of peace with France, the only condition on which it can be concluded with any appearance of safety, is that of her absolute renunciation of all rights on the sea, the surrender or destruction of her ships of war, and the assured renewal of hostilities when the first bolt is driven into a new one. On this principle, a system of foreign policy, worthy of the British nation, may yet be built; and on this system alone, can we expect to form a counterpoise to the overgrown power of France on the continent of Europe. Next to the establishment of an effectual system of military defence at home, this is the most important object of our policy; and one, in competition with which no commercial advantage deserves a moment's consideration. It is high time to act systematically on this view, to assert and maintain our maritime sovereignty, to lay down just and impartial laws, not to allow any nation in the world to navigate a ship except in compliance with them. With respect to America, we have no commercial interest that should be an obstacle to amicable arrangements; but if the great objects of maritime power and defence, involving the very existence of Britain, are to be sacrificed for paltry commercial advantages, disgrace will be our portion, and ultimate ruin will be the consequence. If America be inclined to enter into treaty in a spirit truly friendly, there is little to be settled; but let her embargoes and non-intercourse acts continue, till she explicitly recognizes the British sovereignty of the seas.—Lord Selkirk concluded with moving an Address:—"Humbly submitting to his majesty the opinion of the house, that in any arrangement which may be entered into, for the accommodation of the differences subsisting between his majesty and the United States of America, it is essential to the honour of the British nation, that full satisfaction should be made by the American government, for the conduct of their officers in receiving and protecting deserters from his majesty's naval service, and particularly those entered for the American frigate Chesapeake, in the year 1807."

The Earl of *Liverpool* said, he did not rise for the purpose of going at length into all the arguments of the noble earl who brought forward the present motion. He should occupy a small portion of their lordships' time, because the same reason which he had assigned for refusing the papers moved for by the noble earl, particularly applied upon the present occasion. The fact was, certain differences did exist between his majesty's government and the United States, and a negociation had been commenced for the purpose of their adjustment, which was not yet brought to its final issue. Now, the motion of the noble earl called upon that house to interpose and give advice to his majesty, pending the negociation, and they were called upon to do this, without knowing all the circumstances, or even the state in which the

negociation existed. This was a particular province and department of the royal prerogative, and he would submit it to the consideration of the house, how far they would act properly or judiciously, in thus interposing their advice, without any clear knowledge upon the subject. He was not a little surprised that a motion of this nature should have been brought forward by any noble lord; for if any interposition whatever ought to have been moved for, it should rather have been that his majesty would inform the house with respect to the progress and state of the negociation. Unknown to the noble earl (Selkirk,) his majesty's ministers had acted in the very manner which he had thought proper to point out: they had made satisfaction to the Americans, by declaring the conduct of the English officer unjustifiable, but under certain conditions, that the American government should also make reparation for the conduct of their officers. It was his duty not to say how the affair exactly stood; nor was he disposed to go more at length into the merits of the question. With respect to what the noble earl had stated concerning our maritime rights, he should also decline embracing the discussion, because it was a field of considerable extent; at the same time, he could not refrain from remarking, that the doctrine laid down was new, and a great part of it very strange to his mind. He had only to observe, that the situation of the United States and this country was such as justly precluded his majesty from making any communication, in the present state of the negociation; and he was induced to believe their lordships would agree with him in opposing the motion.

Viscount *Sidmouth* thought it his duty to trouble the house with a few observations on the question under consideration; and in doing so, he should take up a very small portion of their time. He certainly concurred with a great part of what had been stated by the noble Secretary, but he could not accord with the proposition that it was unusual or unprecedented for that house or the other house of parliament to interpose their advice to his majesty pending a negociation. He could adduce several instances where such had been the conduct of parliament. Instances occurred in the reigns of William and Mary, queen Anne, George I., and George II. In 1707 such an interposition had been made to queen Anne, desiring her majesty not to make peace unless the Spanish monarchy and dominions in the Indies should be restored to the house of Austria. Therefore he was well convinced it was agreeable to the constitution, to give advice to his majesty pending a negociation, and in doing so they did not exercise the prerogative itself, but only gave their advice that it might be duly exercised. In regard to the present motion, he did not concur with the noble earl (Selkirk,) that the nature of circumstances called for or required that house to interpose its advice on the present occasion. That noble earl had spoken at considerable length upon the maritime rights of Great Britain, and the opinions which he entertained no doubt proceeded from a comprehensive and enlightened mind; but they did not warrant him in giving them his approbation. He was not disposed to raise our naval superiority into a Sovereignty of the Seas; he thought it was sufficient for us to maintain that superiority, by recognizing the maritime rights of other nations. That superiority would be best strengthened and the longest maintained, by exercising it upon principles of justice and equity; by attending strictly to which, we should be the best enabled to increase our own prosperity.

The Earl of *Liverpool* wished to explain, that he had not meant to say, it was unprecedented for parliament to interpose its advice pending a negociation, but that it was unprecedented so to interpose its advice, until the house had arrived at a knowledge of the progress and state of the negociation.

Viscount *Sidmouth* continued to be of opinion, that there were instances where parliament had interposed its advice without knowing the state of the negociation.

After a few words from the earl of Selkirk in reply, the motion was put and negatived without a division.

HOUSE OF COMMONS.

Thursday, May 4.

[Colonel Ogle.] Lord *Folkestone* rose for the purpose of stating to the house, that when he first moved for the Papers now on the table relative to colonel Ogle's Levy, he had applied to the conduct of that gentleman some strong terms; among others, that he had been guilty of perjury, fraud, and forgery. Since then he, from further inquiry, found that he was in error, and that no such serious charge was attributable to colonel Ogle. He

therefore felt it his duty to declare to the house the error he had fallen into, particularly as colonel. Ogle had expressed a very anxious desire that such an explanation should take place where the charge had originated. As to the remainder of what he had stated, he did not mean now to retract. He concluded by moving for the copy of a Letter from Mr. Merry of the War Office to Mr. Humphreys, dated 4th October, 1808, respecting colonel Ogle's levy.—This paper was accordingly granted.

[MR. CURWEN'S PARLIAMENTARY REFORM BILL]. Mr. *Curwen* rose and spoke as follows: Mr. Speaker; the question of which I have given notice, and am now called on to submit to the consideration of the house, is as important as any recently brought under their consideration. It is not without the deepest regret I feel myself compelled to advert to the existence of practices derogatory to the honour and reputation of this branch of the legislature. I shall not disguise my full conviction that heavy responsibility attaches to the agitating unnecessarily, at such a crisis, measures by which the feelings of the people may be still more irritated: when I consider the dangers and difficulties to which the country is exposed, I am ready likewise to admit that the present moment, if the choice was open to us, would be the least proper for such an investigation. In common with other gentlemen, I feel it to be the bounden duty of us all, whatever may be our political sentiments, to promote union, and give efficacy to every measure calculated for the general safety and defence of the country.

With this declaration of my sentiments, I feel that I am bound to make out such a case as shall show that greater danger may arise from neglecting to discuss the questions proposed to be laid before the house, than can arise from their discussion. Is it policy, or wisdom, nay is it possible for us, to be inattentive or passive spectators of what is passing amongst our fellow subjects? Can that be termed magnanimity which disregards the voice of the people resounding from every quarter of the empire? Are not the interests of the nation deeply involved in the estimation and respect in which this house stands with the people? Could there be a greater misfortune to the country than the loss of confidence in the commons? To us, then, are attributed the corruption, the prodigality, and waste of public money: we are charged in participating in it: the defects in our representation are pointed at as the source of all these evils; and we are called on to reform these abuses.—If these charges be false and unfounded, ought we not to refute them? If true; ought they not to be corrected? Let us act betimes, whilst we have yet the power of fixing the time and the degree to which regulation ought to extend. If abuses have crept in amongst us; and in truth, they are too notorious and self-evident to be denied; let us proceed gravely and dispassionately to examine their origin and nature, and to apply effectual remedies. Whatever we now do, will be received by the country as a boon; and may restore unanimity. Wide as the field is, I promise the house not to occupy more of their time than is necessary to the faithfully discharging of an important duty.

My first object shall be to endeavour to prove the propriety of bringing forward the measure at this moment, as a justification for myself, as well as a ground to call on the house for their sanction. If blame does attach, it is imputable solely to myself: besides my worthy friend, one of the members for Norfolk, (Mr. Coke), whose absence I regret, my intention of submitting this question to the house was not communicated to an individual till I gave notice of it.—It will not be denied that it is at all times the duty of the executive government to pay particular attention to the temper and feelings of the people; and to note well any material alterations which may take place. To this important duty I am strongly inclined to believe that the right hon. gent. opposite, has not been sufficiently attentive. Prior to certain recent discussions, there was manifested throughout the country, an unusual apathy and torpid indifference to public men and public measures. Whilst such a deviation from British character existed, the people could not be considered in a healthy state. A calm so unnatural in the political world, ought to have excited alarm, as foreboding an approaching storm: the causes of it are however not difficult to develope. A general disgust and disbelief of the existence of virtue in all public men had taken root. Corruption had destroyed all public confidence. But at length, the discussions which have recently taken place in this house, have awakened fresh hopes in the people, and tended to revive their confidence. They perceive that there still exist in this

house, talents and numbers to contend against abuses.—The Chancellor of the Exchequer is not, I trust, among those who ascribe the general feeling which pervades the country to a Jacobinical plot to vilify and degrade the house of Brunswick. If he does, he libels the people of England. Much is it to be regretted that the decision pronounced by this house on the important subject alluded to, was so little in unison with that pronounced by ninety-nine out of a hundred of the people. The general opinion is, doubtless, that it was by the public voice the Commander in Chief was driven to resignation: but their exultation does not proceed from any idea of triumph over this house. No, Sir. This burst of feeling proceeds from a sentiment more worthy of the people. Despondency has now given way to more pleasing emotions: hope is again cherished (and may that hope meet with no disappointment) that a speedy Reform of abuses is approaching. On this house then, it depends to convert this feeling to the wisest and best purposes. Can it be pretended that these feelings, publicly expressed, are the effect of delusion, of artifice, or intrigue? It is well worth our attention to examine how the meetings have been composed; as well as the language in which their Resolutions have been worded. It will be found that they have consisted of the respectable part of the community; of men attached to the constitution, firm supporters of the throne; not hostile to the administration of the right hon. gent., or friendly to those opposed to him. In their expressions will be found nothing to justify alarm, except in the minds of those who profit by abuses. Invariably they point at these abuses, and at the defects in this house, as their source. By timely Reform you will turn the tide of popular feeling, and convert it into increased affection and attachment to the constitution. It is true dignity to resist, when right and justice are on our side: but it is obstinacy and madness to identify our existence with abuses which we can neither deny nor defend.—The measures, Mr. Speaker, which I have to submit to the house, are calculated to renovate, not to alter any thing in the existing establishment. I do not propose to dislodge one stone in the building; but to examine whether through the lapse of time its foundation may not have need of reparation; and to submit to your consideration, a mode of effecting that reparation, which if much longer neglected will bring into danger the whole fabric.

Before I explain my proposition, I would beg the indulgence of the house for a moment, whilst taking a rapid view of the circumstances under which former Reforms have been attempted. Nearly about the conclusion of the American war, Mr. Pitt made his first proposition.—The agriculture of the country was then depressed; our commerce stagnant; taxes augmented; and all rational hope of success in the contest, vanished. An opposition the most respectable in character, talents, and weight of property, failing in every attempt to convince this house, appealed to the people: they succeeded in raising a general cry for Peace and Reform. By driving the minister from the helm, they obtained the former. Reform they would have obtained, had Mr. Pitt maintained his consistency. This house received his proposition with considerable favour. In the progress of time, however, the political horizon brightened; our difficulties were removed; and the minister, finding the facility with which he could govern on the old system, fled from his promises, and abandoned his former supporters. Unfortunate was it for his country, that he thus sacrificed his reputation; and preferred place with corruption, to measures to which he was pledged, and which would have secured us from the present, and from future dangers!—I pass over minor attempts which excited little sensation: the next serious effort was made by "the Friends of the People." They sought to inspire the country with their own sentiments: but the moment was unpropitious: Reform was neither called for nor wished. The events in France had astounded, and created general alarm amongst all ranks of people. Mr. Pitt finding that he could not avoid discussing the question, or defend his apostacy, seized the moment to excite alarm, and adopted measures to avert supposed dangers, which, a short time previous to this association, he had treated with contempt. Great was the error of those gentlemen, and not less that of the opposion of the day, in not paying sufficient deference to the feelings of the people.—Speaking for myself at least, on a review of that period, I lament the warmth into which I was occasionally betrayed. The indiscretion of our zeal afforded opportunities to designing men to misrepresent our intentions. Here, Sir, may be found a strong example of the defect of political

wisdom; in not attending to the temper and feelings of the people.—Contrasting former periods with the present, I think, Sir, I am borne out by the fact, in stating, that now, for the first time, the people call out for Reform, without instigation, and purely on their own persuasion of its necessity. Such a call ought not to be represented as delusion; cannot be expected to subside; or be safely disregarded.

Now, Sir, allow me to remark on the difference that lapse of time has occasioned between our present state, and that in which we were at either of the periods to which I have before particularly alluded. The power and influence of the crown have received considerable increase: our army, navy, system of taxation, and expenditure, are at present on such a scale, and under such management, as materially to augment that influence:—and next, observe the effects which Mr. Pitt's profuse creation of Peers has produced.—Without much enriching that noble body, it has tended to impoverish us. This weight of landed property and influence has been subtracted from this house and added to another, which may fairly be supposed to direct its views more towards the crown than the people. The arguments then for restoring the purity of this house, for adding to its respectability whilst we restore its integrity, are infinitely stronger at the present, than at any former period.—Distant, however, as it is from my wish or intention, Sir, to say a word unnecessarily, that may be construed into disrespect to this house, I shall touch as slightly as may be, on the abuses proposed to be remedied. To our own Journals I may indeed refer, by which it appears, a bold petitioner has told us, "that the Seats are bought and sold in this house like the stalls in Smithfield;" and I may remark, that to this insult the house thought fit to submit in silence. For my purpose it is quite sufficient to recall to memory the statement made by an hon. member, of the infamous traffic which on the dissolution of every parliament takes place at the Treasury, and the memorable reply made to that statement by the Chancellor of the Exchequer. What was that reply? Denial? No, no; Recrimination. As if the example of others, or as if any pretext, could justify a crime so atrocious and flagrant.—In some former parliament, a mercantile house in the city, forsooth, also speculated in this commodity. They bought four seats: whether to vend again, in retail; or to dispose of to some special customer, I am not informed.—In the quarter of England in which I reside, an occurrence, also in a former parliament, may be stated. A lady, whose influence in a certain borough was supposed to be considerable, was surprized by a visit from a person, naming himself Reding, or some such name. He proceeded at once to business, and offered her 10,000 guineas for the two seats. The respectable lady dismissed him with indignation. But the borough-monger, judging of others by himself, conceived that the rejection of his offer could not proceed from any other motive, than its inadequacy. He returns to the charge: bids 12,000 guineas! This drew from the lady a reply which does honour to her memory; "Never have I disgraced myself with such practices: it is now too late in life for me to begin them."—But, Sir, if I needed any proof of the existence of these abuses besides their notoriety, I might refer to the conduct of the Chancellor of the Exchequer, witnessed by the whole house. In a bill he has introduced to stop the sale of places, &c. he consented to accept a clause inflicting penalties on the traffic in seats in this house. Here, Sir, is an avowal of the existence of the abuse. It is no answer to say that he finds difficulty in framing a clause to correct it. May not another man attempt it? If the right hon. gentleman maintain that no such abuses exist, then let us adopt the suggestion of an hon. gentleman behind me, and examine into the fact in a committee.—The anxious care with which the legislature has guarded the purity of election is evinced by a mere reference to the Statute-book. From the 13th Elizabeth to the 10th of the king, various laws have been passed for this very purpose: my design is merely to further their operation, and extend their principle. The sale or purchase of seats has not indeed been directly forbidden, or even pronounced illegal; but I am persuaded, Sir, that this is because the question has never yet happened to be directly brought, either under parliamentary, or judicial cognizance.—Notwithstanding the precedents which seem to apply so strongly to my plans; still, Sir, I might have hesitated in proposing them, had not I found myself fortified by an authority to which every Englishman looks with veneration. During the present reign, the selection of persons clad in the ermine of justice, has certainly done

honour to his majesty's government. Both in point of talents and unimpeached integrity, our judges have been most eminent: and in no country, and at no time, has the administration of justice been more unblemished. From this body I draw my authority: I have, Sir, the direct sanction of sir W. Blackstone himself,* for the extension to the elected of the oath against bribery. Under such authority as his, I feel confidence in adopting this as a leading feature in the proposed measures of reformation.—Another measure, Sir, I shall beg leave to propose, will be to impose penalties on the sale, or contracting to sell a seat in this house: and next, to extend the bribery laws to agents or other persons attempting to corrupt electors during the whole period of parliament; to preclude their receiving a corrupt consideration for their votes, at any period, as well subsequent, as preceding the election.

To revert, Sir, to the first, in order, of the measures about to be submitted to the house, if the legislature has seen the necessity of guarding the purity of election by an oath administered to the elector, how much more strongly will every argument apply to the representative. To him, are entrusted the lives and properties of the people; on his faithful execution of that trust depends the preservation of all that man holds dear. The moral sanction of an oath by him being better understood, would be better observed, and in fact, considering the class of men from which this house is usually composed, I do not harbour the least suspicion, but that this measure will attain completely its object. When the question, Mr. Speaker, is brought directly before the house, whether or not they will require from their own members, an oath similar to that already imposed on their constituents, if that question be decided in the negative, in common fair dealing let them also exempt the great body of electors. Such a proposal would, I fancy, find few supporters. —But, Sir, the house has already agreed to the expedience of requiring from its members certain oaths. The principle is neither new, nor can be construed to imply any disrespect towards any of our number. To the immortal honour of the wise and virtuous statesman to whom this house and this country owes the obligation, and by whose respectable name the act will ever be distinguished, (Mr. Grenville,) the tribunals for the adjudication of contested elections, acting under the solemnity of an oath, have been found to execute their important trust with unsullied integrity. From tradition and from history we know what the evils were, which required this very remedy. It has been tried: it has been found effectual. No voice is heard; no sentiment is felt, but that of applause to the measure itself, and gratitude to its author.

On the subject, Sir, of the proposed restraint on the Sale of Seats, I shall content myself with remarking, that if the legislature in its wisdom has thought fit to forbid the corrupt disposal of a single vote, *à fortiori*, should they restrain the transfer of the seat itself on considerations equally immoral. The crime is of deeper dye: it brings on us ignominy at home and abroad. It is indeed high time that a practice so flagitious should be marked with our reprobation, and subjected to punishment.—The Sale of the elective franchise by the voters themselves, has, I fear, Sir, become too frequent. As it affects the state, and as it is accompanied among the lower orders with an increasing relaxation of morals, it demands imperiously a remedy speedy and effectual. These scandalous bargains are, it seems, often not completed till after the period is elapsed for petitioning. The Bribery Act, in these cases, becomes a dead letter.—One objection to my plan, Mr. Speaker, which I have heard taken, is that it would tend to exclude talent; that those who possess no other recommendation or means of courting public favour, would find increased difficulties in procuring seats. In my own opinion, a great recommendation of this measure is, that the effect would be found precisely opposite. As things stand, place in one scale, Mr. Goodluck's five thousand guineas; in the other, modest merit; and which may be expected to preponderate?—That some men have found their way hither, solely from the reputation of their abilities, we may instance Mr. Pitt himself. To the credit of a man whose political opponent I was through life, I mean the late lord Lonsdale, he more than once returned Mr. Pitt to this house, gratuitously. Let this measure pass; and there is no ground for apprehension, but that patrons of seats would feel their honour as much concern-

* "It might not be amiss if the members elected were bound to take the latter oath (viz. against Bribery and Corruption,) as well as the former; i. e. the Oath of Abjuration." 1st Bl. Com. p. 180.

ed in the due exercise of that patronage, as they now do with regard to ecclesiastical preferments. How seldom do we hear of the possessors of the latter species of patronage being swayed by sordid motives?—Other objections which I have heard taken, seem all to resolve themselves into this, that every means of corruption would be cut up by the roots, and every subterfuge defeated. I am told that a Reform in the Representation should precede such a measure; that when this is effected, we may place our guards for its preservation. Sir, I question the sincerity of this advice. It recommends the undertaking any thing but that which is likely to succeed. By many, I well know I shall be deemed to attain little, if my object succeeds: by others, I shall be deemed guilty of presumption in attempting too much. My own sentiments I never disguise:—the measures I have this night submitted to the house, do indeed fall short of what I might wish, or even think necessary; but I have undertaken no more than what I trust may be found practicable, and if carried into effect, productive of real, permanent benefit to my country. For popular applause I care not, and look not; but earnestly wish, by the conscientious discharge of my duty, to deserve it.

I shall now proceed, Sir, to shew what would be the practical benefits resulting from the correction of existing abuses.—The first and the most important would be the re-establishment of this house in the good opinion of the people; an advantage that cannot be too highly estimated. I should be unworthy of a seat in parliament if I were disposed to give way to popular clamour and delusion. But the just and legitimate complaints of the people I would redress; their reasonable petitions I would comply with. The arguments urged against Reform in general, do not apply to measures of wise regulation; and least of all, where the circumstances are found essentially different.

In adverting to the next topic, Mr. Speaker, I would, in the first place, wish to guard against misapprehension. In the paths of commerce I am well persuaded there are to be found men of as high honour, as independent minds, of as much general information, and in every point of view as respectable, as in any other. But there are attached to every class in society a peculiar character, and distinguishing habits. In former days, the mercantile character was marked by frugality and industry. Amidst all our changes, has there not taken place some change in these characteristics? Trade is commuted for speculation: a lucky hit produces the objects of a whole life. If unsuccessful, hundreds are reduced to poverty, and the principal consigned to a prison, and oblivion.

How few are there among us who can decide impartially and correctly when our own immediate interests are at stake? War produces loans, contracts, and not unfrequently an extension of commerce to those engaged in certain branches of it. Is it uncandid to suppose that those who contemplate war under this aspect, will not be as averse to it as the landed proprietor who knows and feels its miseries. He who spends a considerable portion of his time in the country necessarily witnesses the hardships that war produces to the lower classes. The power of interest over judgment and every patriotic feeling, was strongly exemplified by an occurrence which, I wish to God, could be erased from the memory of man, and the page of history. On the Royal Exchange, when the lord mayor communicated in 1806, the miscarriage of our negociations for peace, his auditors expressed their indecent, unfeeling exultation, by three cheers!

By the alterations I propose, a larger proportion of the landed interest would appear amongst us. The mercantile portion of the community would continue, indeed, to represent the metropolis and those boroughs where they have a natural interest. The very excellence of parliament consists in having a due proportion of all ranks in society: considering the importance of our commerce, I should be sorry if we had not of those who pursue it, that due proportion, as well as of the army, and learned professions. But the peculiar advantage of having the landed proprietor in this house, is that each individual brings with him the affections and the confidence of a portion of the people. Thus the united affections of each portion of the empire, concentre in parliament; and hence springs the moral power which it possesses. The infallible consequence, Sir, of increasing the numbers of our country-gentlemen within these walls, would be to make us more pacifically disposed. It would give a different tone to our councils. It would check the rage for foreign commerce, and the acquisition of fresh colonies. It would turn our efforts and our attention to domestic improvement; to the melio-

ration of our internal resources and the happiness of our country. It would inspire greater moderation of conduct towards other nations, and dispose us not to imitate on the ocean those strides of power which we deprecate on the continent. We should then no longer be the objects of hatred and jealousy to every power in Europe. But, Sir, another and most important object would be attained, if this measure fortunately receives the approbation of the legislature. The times require a strong administration: measures of great energy must be resorted to. But how can an administration, not possessing the public affection and confidence, venture on such measures? No combination of talents can form a strong government unless this *sine quâ non* be effected. Some of the measures adopted by the right. hon. gent. have unfortunately had the effect of increasing the distrust, and lessening the respect of the people for this house. How shall we, for instance, reconcile to the country, the vote given recently in the case of a noble Secretary? The loss which might have been sustained by the retiring from office of a person possessing the noble lord's acknowledged talents and assiduity would have been ten-fold compensated by the effect that sacrifice would have had on the outraged feelings of the country. I am ready to allow that under the present system, ministers can hardly be deemed free agents. Those who support them think themselves entitled to the patronage most commodious to them: and the demands are so great, that I do believe many jobs are consented to by ministers sorely against their will. An opportunity now offers itself to the minister, of compliance with a measure which I sincerely believe will be grateful to the country. It comes from no concert: it is offered with no view of hostility to him, or favour to his adversaries. Anxious I admit myself to be, to learn the right hon. gent.'s sentiments. If hostile; to him, not to me, be the consequences. To opposition I would say, be cautious how you sanction this measure with your approbation, earnestly as I wish it. If it receives your support, you are pledged to act in conformity to it in the event of your return to power. The nefarious traffic in seats must then have an end. I beseech you therefore, not to delude the nation; and not to support me with your votes, unless the measure fortunately receives your sincere approbation.

No long time has elapsed, Mr. Speaker, since we had an opportunity of witnessing the benefits which result to a minister from his sedulous observation of the temper and wishes of the people; and his compliance with these wishes, when reasonable. The waste and profusion, the harsh and obnoxious acts of power, by which the predecessors in office of lord Sidmouth had disgraced their career, appeared to have been little to the taste of his lordship when minister. He adopted another line of conduct. Temper, mildness, and economy marked his sway. The object before his eyes appears evidently and uniformly to have been, to rule in the hearts of the people: and he succeeded. Though the country was again plunged in war, though extraordinary sacrifices and privations became necessary, yet we might then observe a general coalescence of opinion; when our voluntary services in our country's cause were called for, hundreds of thousands started to arms; our "plowshares" were converted into "swords." Instead of finding difficulty in completing our volunteer corps, the difficulty consisted in selecting among the too numerous offers. Could all this have been effected under an unpopular minister?

Still, I admit, Sir, that the present discontents may in some degree be ascribed to our taxation: but not so much to its direct pressure, as to the imprudent aggravation it receives from the mode in which our fiscal laws are administered. In the infancy of taxation, as in the infancy of life, to reconcile us to the pill, it may be prudent to gild it. But that system which might be suitable when five or ten millions were to be raised in the year, must be departed from, when your wants demand forty millions. The necessities of the times have taught us, that it is our interest to pay direct taxes. Simplify the system; levy a few efficient taxes: do not by means of multifarious unintelligible laws, inflict on the people constant vexation. Do not summons a whole country to know who keeps a dog; or whether the petty farmer who curries his own horse, and plants his own cabbage, is to be surcharged with a groom, and a gardener. Take what is wanted directly from us. A less sum will then be requisite, and you may dismiss from the service a legion of tax gatherers, inspectors, assessors, and excisemen. You may then repeal also such revenue laws as are pernicious and oppressive: for instance, that affecting

salt. Providence in its bounty bestows on us this boon inexhaustibly: Foreigners find it their interest to export it for agricultural purposes from our ports. But as to our own use of it for that purpose, and for the use of the manufacturer, the high duties altogether preclude its application.

Another, perhaps a greater source of public dissatisfaction, which the plans I have submitted to the house, may I trust, Sir, help in future to eradicate, arises from the present wasteful profusion of the public money in pensions, reversions, jointures, and other such jobs of infamy. When public services merit rewards out of the public purse, the people ought to have the reasonable gratification of bestowing them by the hands of their representatives. From them the public wousd not require a niggardly policy. The gift itself would be doubled in value by its publicity, and by its being the fair meed of brilliant and meritorious services. Different indeed must be a person's feelings on hearing, as at present, that his name is thrust in at the bottom of a pension list, to enter which merit usually forms no part of the recommendation; and on receiving openly, for causes assigned, and with the applause of his country, the reward of merit. I wonder not that the relatives of a truly meritorious officer (sir John Moore), who lately gloriously fell in his country's cause, declined being confounded on a pension list, with the retainers of a court; though they might gladly and gratefully have accepted any mark of national munificence. A minister who paid due attention to the feelings of the people would never sanction, and I trust, Sir, no minister of any description, will ever again sanction the dealing out pensions of a few hundreds among the relations of the most elevated and opulent of our nobles.—To aid the brilliant illuminations of their mansions, the farthing candle of the industrious indigent cottager must be sooner extinguished.

Not, Sir, that I would insinuate that by this sort of saving; by the cessation of abuses of this description, any considerable alleviation of the public burdens would be felt. But they indispose the public mind; they tend to impeach all public character. Too many are already inclined to view all men who hold public offices, as equally corrupt. That opinion, I fear, is becoming too general; though none can be more fatal, or more ill founded. Public character is the strength of a country: and truly poor is that country which possesses little of it.—Should it be, for instance, our misfortune at any future time, to have a monarch incapable of distinguishing between firmness and obstinacy; who conceived it magnanimity never to yield to circumstances, would there not be an essential difference between one set of men willing to accept and to retain office, without possessing the power to judge, but bound to act as the tools of others; and another, who would only hold office so long as their judgment was permitted to direct their actions?

In a neighbouring country, Sir, if a strict examination were to take place of all the causes which have led to the total extinction of that liberty which at one moment there was a fair prospect of their obtaining; if the convulsions, which have accompanied the loss of this, the greatest blessing that man can possess, have been so dreadful as to lead many to abhor its very name; perhaps, the most prominent and the most active of these causes has been the want of character, and consequent want of confidence in their successive leaders.

How different, happily for us, is our prospect at home! Amidst all our divisions we can do justice to one another's motives:—However estranged by casual circumstances, and the inevitable discordance of opinion where thought and action are free, yet I trust such will ever be the conduct of our public men of all parties, as not to give real ground for the diffusion of that opinion to which I have just alluded. Though we may look askance at each other for the moment, yet we know not how soon, or with whom, we may again cordially unite. On the important question which lately rivetted the attention of the house, I for one considered myself as exercising a painful duty, and in the capacity of a juryman. Though the conclusion formed by others was in opposition to my own, yet I shall not doubt that it was on their part equally conscientious; that as the one deserves no praise, the other as little merits reprobation.

In the sincerity of our wish to uphold the just prerogatives of the crown, we are, I trust, all united. In distinguishing these, from the exercise of influence unknown to the constitution, though alas! too well known in practice, and attended with dangers not only to the subject, but to the prerogative itself, I foresee many struggles. But as to the just and fair prerogative, let it never be forgotten, that though

this be the inheritance of the crown, it is a trust for the benefit of the subject, for purposes the most useful.

I shall no longer detain the house; but must conjure them, I must conjure the right hon. gent. to reflect coolly; not to mistake the feelings and the expressions of the people. They arraign us of corruption; they point at the disreputable manner, in which it is alleged that some persons find their way hither. To this accusation we must plead. No evasion, or special-pleading sophistry will stand us in stead. If we evince a disposition to reform, we shall heal our divisions and re-establish ourselves in the good opinion of the people. Then may the right hon. gent. proclaim to all Europe; it is not on the bravery of her troops, or on the unparalleled prowess of her navy alone, that our country builds her strength: it is on the hearts and the affections of her children. Possessing these, she can securely bid defiance to a world in arms. With increasing difficulties she can call forth increased exertions.—Her soldiers, are every man who can wield a musket.—Her resources, every guinea we possess. In her defence every arm will be uplifted; every danger despised: and no other object of emulation can then exist among us, but how each in his station can yield the best service to his sovereign and his country.—I move, Sir, "That leave be given to bring in a Bill for better securing the Independence and Purity of Parliament, by preventing the procuring or obtaining Seats in Parliament by corrupt Practices; and likewise more effectually to prevent Bribery."

Mr. *Windham* said, he had no doubt but the house was willing and desirous to receive and discuss every question in a cause which ought to be heard; but there might be instances in which a party ought not to be heard at all, instances in which, as in the courts of law, the plaintiff should be nonsuited. This was peculiarly the case with respect to Parliamentary Reform, in which nineteen in twenty, or perhaps 900 in a thousand, held such different, wild, and extravagant notions, that it was impossible any man could form a just or fair opinion of what they would be at. There were some measures which ought to be rejected *in limine*, to prevent the evil consequences which might follow from giving them the slightest encouragement. Such was, in his opinion, the measure of Parliamentary Reform; and as he looked upon the present motion to be a measure tending to that, he could not avoid opposing it in its outset. He begged the house to consider the nature of the remedy, and the danger of a change, which he, for his own part, was convinced would create greater difficulties than those which were proposed to be redressed. It seemed to him that the particular object which his hon. friend meant to correct by his proposed bill, was to lessen the influence of the monied interest, and to increase that of the landed interest. Before he adverted to the first or last object, he thought this motion ought to be rejected in the very first instance. It had for many years been his opinion, that the house ought strenuously to oppose, as dangerous and mad, any proposal for Parliamentary Reform; every system, and every feature of which that had hitherto been produced, was, in his mind, extravagantly and even ludicrously wrong—both practically and philosophically wrong; and when his hon. friend described the unanimity of the people, and inferred that it was to be obtained by this measure, he confessed he was totally at a loss to understand his meaning. They were then at issue, not on a point of theory, but of fact—would that measure satisfy the people?

Mr. *Fuller* rose to order. (Cries of Order! order! Chair! chair!)

The *Speaker*. Having called the right hon. gent. to order, the hon. member must proceed to prove him out of order, otherwise he is himself acting most disorderly. (Hear! hear! from all parts of the house).

Mr. *Fuller*. I saw some gentlemen next to the right hon. gent. interrupting him by whispers; and, Mr. Speaker, I disdain to do any thing wrong as much as you do. (Universal cries of Chair! chair!)

The *Speaker*. It will become the hon. member to be on his guard how he commits such an act of disorder, as to interrupt, by a call to order, any hon. member on his legs.

Mr. *Windham* continued.—Among the various plans which had heretofore appeared of Parliamentary Reform, that of universal suffrage was the most predominant. The monied interest might then say, it is very well for you who have landed property, but it won't do for us: other objections would be raised by those who had neither money nor lands, and it would eventually turn out just as the French revolution had done. Nothing could do: it would be impossible to produce a plan at which one party or the other would not snap their fingers. Of late days he had

never heard any one who wanted to give preponderance to the landed interest, and those who did so must have little attended to the reforming out of doors. An hon. friend complained that the people were generally discontented, and desirous of change, and the great cause of this was the existing corruptions. He wished to know how far this doctrine was laid down. The bill, it appeared, went to do away borough-mongering and corruption: would it do away the influence of property? When men laid down principles, they ought to be able to explain them. If his hon. friend had a greater fortune, he would of course have more interest than a 40*s.* freeholder. We had an *argumentum ad hominem* and an *argumentum ad absurdum*, but we had no *argumentum ad rentali*, otherwise the influence of the landlord over the tenant was equally corruption with what was complained of. The law had laid down a rule that after so many days for the teste of the writ there should be no treating; by having infringed that rule he had lost the representation of the county of Norfolk; and yet he had done nothing either immoral or wrong. He had inadvertently acted contrary to the provision of an act of parliament on the subject, and he had thereby lost his seat. Was not this guarding against even the shadow of corruption? One set of reformers say, We will go so far; another set say, You shall go further; so that, once permitted to begin, there was no knowing where, or at what they would stop. His hon. friend had doubtless proper sympathies, but he could not expect others to have the same. If men took bribes, it was not a corruption of that house, but co-extensive with the people itself, coeval with the constitution; such corruptions existed in times when the country was most prosperous and the best governed, and therefore, unless his hon. friend could shew that the country was now worse than it had ever been, he would not consent to a change. He denied that the transactions which had been brought to light in the late Inquiry were at all to be considered corruptions of government. All that had been proved was, that such persons as Mrs. Clarke and Mr. Beazely had been trafficking for places and commissions, but there was no proof of corruption in the government; and as to any hope of pacifying the people by this bill, it was extravagance itself to suppose it. If there were corruptions in that house, they could not be cured by Parliamentary Reform; but he would not countenance such an idea. If once we began, we could never stop, and if we once made a change to please the people, they would go on; they would never know when they had enough; and therefore he would oppose the general principles of Reform. There were two periods which the house ought to keep in remembrance; the American war and the French revolution. The former might in some degree be forgotten, but we had still the benefit of the French revolution fresh in our memory, and could not but recollect the manner in which the revolutionists had effected their purposes. Parliamentary Reform was of the same cast and character; and it was blindness, infatuation, and madness, in the people, to think of relieving themselves by pulling the government to pieces.

Lord *Folkestone* said, the question of the late inquiry had already been disposed of, and he should therefore limit his observations to the motion only. His right hon. friend who had just sat down had argued this as a measure of Parliamentary Reform, and that the house should therefore reject it as such. There was a notice of a motion on that subject on the books, and when it came forward, it would then be time enough to argue that question. He could have wished that his right hon. friend, before he exerted his influence to reject the motion, would have condescended to consider what it really was, and then he would not have had occasion to combat the phantom which he himself had raised. He would state his opinion of the motion, and the reason why it had been brought forward. The right hon. the Chancellor of the Exchequer had lately introduced a bill to prevent trafficking in places. He (lord Folkestone) had stated that at the treasury there existed a market, where a traffic was carried on for seats in that house, and that in consequence thereof persons came into that house bound to vote as they were ordered. There was at that moment an appearance on the other side of the house, as if they meant to deny the fact; but on its being more roundly asserted by an hon. friend of his not then in the house (Mr. Creevey,) ministers reverted to recrimination. He (lord Folkestone) then declared that he would move a clause on this subject, to be added to the bill; but upon Mr. Curwen's giving notice of this motion, he gave up the idea of introducing that clause. His right hon. friend who spoke last, had said it was senseless to sup-

pose men in office would traffic for such places: it was, however, clearly ascertained they did so, and having come under the cognizance of the house, it appeared to him impossible the house should refuse to countenance a bill, the object of which was to correct such abuses; and if the house refused to grant what was little for them to give, but great for the people to receive—if they refused to grant that relief which the bill held forth, it would be apt to drive the people to despair, and dispose them to look to other means than those which were nothing more than the real spirit of the constitution.

The *Chancellor of the Exchequer* said, that the manner in which the hon. gent. had brought forward his motion, made it necessary for him to trouble the house at greater length than he would have wished to do. The noble lord who had just sat down, had given notice of a clause which he intended to bring forward, to be added to the Bill which he (Mr. Perceval) had introduced and he had promised the noble lord to give such clause a candid and serious consideration. He did also mean, and still continued in the same mind, to give an impartial judgment on the merits of the present bill; but it was impossible he could do so at present, for he could not by any means form an opinion in what way or on what grounds the hon. gent. meant to obtain his object. There seemed to him to be an impracticability of doing it, but he would not oppose his bringing in the bill, in order that he and the house might be able to judge what the merits and demerits of it might be. But, in agreeing to the motion of the hon. gent. for leave to bring in his bill, he begged distinctly to be understood not to give any pledge to concur in the measure, or to consent to any project of alteration, regulation, or reform, such as that proposed by the hon. member. He could not, under the call of the hon. gent., pledge himself to support his measure throughout, though he should agree to its introduction, because as far as he was able to judge of it from the statement of the hon. gent. himself, he did not think he could put it into any practicable shape, which would entitle it to the adoption of parliament. The hon. gent. at the time he admitted that it was not right to hold out any language to the people, which might excite hopes that were not likely to be realized, stated in the same breath, that the people had a settled opinion that a reform in parliament was necessary. Then the hon. gent. besought of him not to apply the character of Jacobinism to those who advocated reform. He could assure that hon. member, that he did not mean to apply a jacobinical character to him or to any other honourable member, who should support his measure. But in saying this, had he not a right to expect to enlist that honourable member on his side, in imputing a jacobinical spirit to those, who by their speeches and resolutions out of doors, from which alone the honourable member appeared to have collected his notion of the opinion of the people, endeavoured to impress upon the people the idea that a reform in parliament was necessary; to delude the public by statements mischievous, false and fallacious, which were the true characteristics of jacobinism; and to inflame the public mind with exaggerated pictures of abuse, and imaginary and impracticable ideas of reform. It was to such conduct that the character of Jacobinism particularly applied; and if any member of that house, not venturing to make such delusive statements in his place, where they might be met and refuted, should think proper to repeat them in other places, it would not be difficult to appreciate the mischief that might be the result. The language held to the public in these places was, that the house of commons was a sink of corruption; and that that house was the only place wherein the sense of the people was treated with contempt. Throughout the whole of the speeches and resolutions to which he alluded, there were assertions in terms not literally false, but founded upon reasoning delusive and fallacious. It was asserted that they who composed that house, sat there contrary to that law which seated the family of his majesty upon the throne; because it was enacted by that act, that no placemen or pensioners should have a seat in that house. What language was that to be held out to the people without any comment on the fact, or any illustration of the law? The act in question had been passed in the year 1700, and was repealed in the year 1704; it was not to have taken effect until after the accession of the house of Brunswick to the throne, and had consequently never been the law of the land. And yet, the persons to whom he had been called upon not to apply the word Jacobin, had ventured to state with a view to inflame the public mind, that the members of that house

were sitting in it contrary to law; without adding that the law they referred to had never been in force, was never intended to have operation in the time of the framers, was only to have effect at the expiration of two successive reigns, and had actually been repealed four years after it was passed, and many years before it could pass into a law. The hon. gent. had acknowledged that he had been a reformer in 1784; and though he admitted, at the same time, that he had then acted upon mistaken grounds, he had in the same breath accused the late Mr. Pitt of apostacy from the cause of reform. The fact was, that Mr. Pitt upon clearer facts and more accurate information, had anticipated that conviction which seemed so tardily to come upon the honourable member.—He should now proceed to say a few words upon the plan of the hon. gent. It appeared that he proposed to subject the elected member to an oath: to impose a penalty upon the seller of a seat though not upon the buyer, and to extend the bribery laws to a certain limit after the election. The imposition of the oath upon the elected member might be desirable, but it was impossible to judge, without having the precise form of the oath under consideration. The hon. gent. had a right to expect that the house should give him leave to bring in his bill; but, in doing that, the house would not be pledged to his plan, or any other to the same extent. The bill in its title was unexceptionable; but in order to decide upon the measure they should have the bill before the house; and he was apprehensive that the hon. gent. would find himself involved in endless difficulties. The hon. member had deprecated the use of language that might tend to mislead the people, yet, without certainly having any such intention, the hon. member had, in representing that house as too warlike, used language calculated to mislead the public, as if a reform of that house would put an end to the war. After the very able speech of the right hon. gent. opposite (Mr. Windham), it was unnecessary for him to shew that the measure proposed would not allay what the hon. mover represented as the disturbed state of the public mind. If the hon. member took his idea of the state of the public mind from the resolutions and speeches to which he had before alluded (and where could he have taken it but from them), could he suppose that this measure would satisfy the persons who uttered them? If the measure had been proposed by government, it would have been characterized as the most delusive that had ever been projected to impose upon the nation. He should not oppose the motion for bringing in the bill, and trusted he should have the vigilant assistance of the right hon. gent. (Mr. Windham) in watching every part of its progress. Whatever he might think respecting the inconvenience of any change at the present moment, he had no hesitation in saying, that there could be no inconvenience in discussing any project of reform. What was said to be the growing sentiment of the country respecting reform had arisen from the silence of parliament; and the only effectual mode of putting an end to the delusion practised upon the public, was to take up the discussion of such subjects in that house, and not leave them to be discussed in popular meetings and inflammatory papers out of doors. On these grounds, he should allow the bill to go to a second reading, but without giving any pledge to support it.

Mr. *Ponsonby* heard with satisfaction the intention of the right hon. gent. to support the motion of his hon. friend, so far as the introduction of the measure. This measure was simply an act of regulation, and, as it did not make any part of the question of Parliamentary Reform, he should abstain from making any observation upon that subject. The hon. gent. who proposed this measure to the house had said, that he would not value the support of any man who would not continue that support whether in or out of office. For his part, he had never given support to any measure that he did not continue to the end; and he was then out of office because he would not abandon the support of a measure which he looked upon as essential to the vital interests of this empire. But in demanding such a pledge, the hon. member must suppose two things; first, that his measure was such as a member could support; and next, that it was practicable. As far as he could judge from the statement of his hon. friend, he looked upon the measure he proposed not only as right and practicable, but not likely to produce any of the dangers apprehended by his right hon. friend. It would be impossible, however, to give an unlimited pledge until the measure should be before the house, and they could have an opportunity of examining

it in all its bearings. He agreed that it was particularly desirable for the members of that house, and most especially for those on the side on which he sat, not to give rise to any expectations on the part of the people, which there was no prospect of realizing. They should never resort to those base and detestable arts, by which such expectations were encouraged, when the persons exciting them must be sensible that they could never be gratified.

Mr. *Fuller* begged to apologize to the right hon. gent. (Mr. Windham) for having interrupted him, which had arisen from the state to which his feelings had been excited, by observing an hon. member the third from him, interrupt him, whilst speaking so nobly to the subject. He could assure the Speaker on the honour of a gentleman, and his family had been for two centuries as honourable as any others in the kingdom, that he had not meant any disrespect to him. On the contrary, he had ever supported him, even against the miserable fellows who sometimes wrangled with him, (loud cries of "Question, question," and laughter). Well, he would come to the question. With regard to this same swearing, it was much beyond his comprehension, and so totally out of his way (loud laughter) that he would have nothing at all to say to it; and so he would leave them. (The hon. member then took his hat, made his bow to the Speaker, and walked out).

Mr. *I. H. Browne* disapproved of the measure, because it would have the effect of excluding a great portion of the wisdom and talents it possessed from that house. If the bill passed, it would not satisfy the persons at the Crown and Anchor that their charges of bribery and corruption were not well founded. The bill could not lead to any beneficial result, and in opposing it he trusted that he should not be considered as more a friend to corruption than any other hon. member. The bill he thought could not be rejected too soon.

Mr. *Bathurst* was of opinion that his right hon. friend (Mr. Windham) had unnecessarily blended this measure with Parliamentary Reform. He was pleased with the candid manner in which the proposition had been received by his right hon. friend (the Chancellor of the Exchequer), when he admitted that the bill might be entertained. Many of the topics which had been introduced during the discussion he was determined to lay out of his consideration, as it was enough for him to look at the measure as it was presented to him. He was not to take it upon the grounds even of the hon. gent. who brought it forward. The measure, in his mind, would be productive of benefit, though he was not sanguine enough to expect that it would be attended with all the good consequences expected by the hon. mover. From the long examination which that house had lately been unfortunately engaged in, (not unfortunately, considering the importance of the subject, but unfortunately, as must appear to all those who wished well to the good government of this country,) it had gone abroad that that house and the present times were peculiarly chargeable with corruption. From all that he had seen he was convinced that the charge was groundless. The bill proposed would, however, not satisfy those persons who made this charge. As to the expectation held out that the measure would make any alteration in the description of persons returned to that house, he did not think it would have any effect of that nature, because he was persuaded that as large a proportion of landed gentlemen, as of any other description, procured their seats in that house by the means objected to. He conceived the measure to be much more practicable than it was supposed by his right hon. friend (the Chancellor of the Exchequer). The precise complaint to be redressed was, that the influence which individuals had in the return of members to that house, had been transferred to others for a pecuniary consideration. If it was desirable that this practice should not exist, then the next question was, how it would be practicable to restrain it? and this the measure proposed appeared to him likely to do. But his right hon. friend (Mr. Windham), appeared to him to take the alarm too soon at the idea of Reform. If the practice was wrong, it was no reason to urge against the adoption of a remedy, that it might lead to an expectation of still further measures. The bill proposed by the hon. gent. was a mere act of regulation, and had no connection whatever with the more difficult and more dangerous question of Parliamentary Reform. The arguments urged against this bill would have equally applied against the Grenville act, and all the other acts for regulating the conduct of parliament which had been passed since the Revolu-

tion, and he contended that the present question had less reference to Parliamentary Reform than any of the other acts to which he had alluded. This bill was to contain a mere regulation, and was not intended to touch any existing rights of election. It proceeded upon the assumption that any individual might constitutionally exercise the influence which his character, his rank, or his property might procure for him in his neighbourhood, in favour of any body he pleased to recommend, but was to prohibit him from transferring that influence for a pecuniary consideration. It was perfectly proper, that any individual so circumstanced should recommend whom he pleased to those who might apply for his advice, from deference to superior knowledge, experience, and character, but it was not right that he should transfer that influence for money. For one, he should not pledge himself to the measure, till it should be brought in, and he should have an opportunity of judging whether he could give it his support. But he was glad that the bill was to be allowed to go to the second reading, because the house would thereby be enabled to decide upon its merits.

Mr. *W. Smith* expressed his regret that a spirit like that displayed in the very able speech of the last speaker did not pervade the house. He could not conceive what right any man had to throw the smallest reflection on the advocates of Parliamentary Reform. The principles upon which they proposed to proceed had the sanction of lord Chatham, Mr. Pitt, and Mr. Fox, three of the greatest men that ever appeared in this or any other country. Would any of the puny mortals of the present day think of setting themselves up against such men? Did any man mean to say that these persons were insincere? Would they have brought forward the subject, if they were insincere? And now, Gentlemen,—[a roar of laughter, which continued for several minutes. Mr. Smith was one of the speakers at the late meeting at the Crown and Anchor.] There was an opinion among the people, that members of parliament ought to be independent of all except their constituents. In that opinion he concurred, and that was his view of Reform. This measure was so far connected with Reform, that it went a certain way to secure the independence which he had stated. He perfectly agreed that no expectations ought to be held out to the people that could not be realized, but he totally differed from his right hon. friend (Mr. Perceval) who considered that Reform would render the house of commons less disposed to rush into wars as a proof of Jacobinical intentions. It was his opinion that Reform would have this beneficial effect. Every one, at all acquainted with the history of the American war, must be sensible that it would not have lasted so long had it not been for the improper influence of ministers; and the same thing might be said of other instances. There were persons brought into the house by the present system who had an interest in protracting war. He concluded by observing, that in discussions of this kind, the gentlemen on the other side had always an advantage. They talked easily and fluently of the dignity and independence of parliament in general terms, while the friends of Reform were under the necessity of directing their observations to a particular class of men, or against individuals, which was always an odious duty. But as it was a duty, they must perform it in the best manner they could.

Earl *Temple* entirely agreed in the very able speech made by the right hon. gent. (Mr. Bathurst) on the bench below. He wished it to be understood, that the principle upon which he agreed to the motion was the principle which pervaded, what, by the courtesy of the house, was called the Grenville bill, a measure for which he had an hereditary veneration. It was upon that principle that he wished success to the bill of the hon. gent. He would support the bill also, because it took away one of the greatest arguments in favour of Parliamentary Reform. It would diffuse a salutary confidence in parliament throughout the country. With this retrospective view, and looking forward to the future, the motion should have his cordial support.

Mr. *Curwen* did not intend to trouble the house at any length. He was totally at a loss to account why the right hon. the Chancellor of the Exchequer did not oppose the bringing in the bill, when he had expressed so determined a resolution to oppose it in its progress. Did he say, that the evils, which it was the object of the bill to remedy, did not exist? If he did, why did he allow the bill to be brought in? He was obliged to the right hon. gent. below him (Mr. Bathurst) for the qualified promised support he had given him: but he would not admit that he was in the smallest degree obliged to the right hon. gent. on the opposite bench. Was

it for the purpose of putting him in a situation of difficulty, and thereby shewing his inability, that he would suffer him to bring in the bill? In answer to what had fallen from an hon. gent., respecting factious meetings, he would assert that there was not a man in the house who would more firmly resist the clamour of such meetings than himself. It was not to the inflammatory proceedings of a drunken meeting at a tavern that he looked for the opinion of the people. He abhorred such meetings, and he lamented that men of character, talents, and respectability, should be found to countenance them. Their proceedings betrayed a confirmed disposition to depreciate all public men, as well as a total disinclination to accept and pursue any system of Reform, having moderation for its principle and basis. But, as he said before, it was not from such meetings that he collected the sense of the people. It was impossible for him not to look round the country, and to hear the expression of public opinion echoed from every corner of it. With respect to the objection against the indefinite nature of his motion, he would say, that the form in which it was submitted to the house was not of his dictation. On that subject he had consulted some of the ablest men in the house, and particularly the distinguished character in the Chair. He must again disclaim for himself any connection with tavern meetings. The hon. member thought wrong of him if he supposed he thought differently of the late meeting at the Crown and Anchor from himself.—After the very able explanation given of the bill by the right hon. gent. below him, he should not trespass on the indulgence of the house by any further observations. He must, however, again repeat, that the object of the bill was to prevent the obtaining of seats in parliament by direct, flagrant, palpable corruption, and not to do away the operation of influence. He could not believe that any member of that house, any man in the country, would be capable of an act so immoral as the violation of the sanction he meant to propose. He knew that he had great difficulties to encounter, but he trusted, with the assistance of the house, he should be able to surmount them. His bill would have no reference to the act of William and Mary, commonly called the Treating Act.

The question being put, the motion was carried; and Mr. Curwen, Mr. Ponsonby, sir A. Pigott, sir S. Romilly, lord Folkestone, Mr. Windham, and others, were ordered to prepare and bring in the bill.

HOUSE OF LORDS.

Friday, May 5.

Lord Erskine brought in a Bill for the more effectual Prevention of Cruelty towards Animals. The Bill was read a first time, and ordered to be printed; and his lordship gave notice that on Monday, if it were then printed, he would fix a day for the second reading.

HOUSE OF COMMONS.

Friday, May 5.

[MR. MADOCKS'S CHARGE AGAINST MR. PERCEVAL AND LORD CASTLEREAGH.] Mr. *Madocks* rose to bring forward the motion of which he had given notice some days ago, relating to corrupt practices of the Treasury with respect to the return of Members to Parliament. He observed, that he was fully aware that he had no claim on the attention of the house, but that which he derived from the very important nature of the subject that he felt it his duty to lay before them. The task he had undertaken was most ungracious and unpleasant; and nothing but a strong sense of public duty should have induced him to place himself in the situation of becoming the accuser of any man. It would not be necessary for him to trespass long upon the indulgence of the house. The substance of the motion he meant to propose lay in a very narrow compass. It consisted in a charge of corrupt practices against two of its members. He wished only to be permitted to make one prefatory observation, and it was this, that the facts that came to his knowledge were so dangerous, so prejudicial to the genuine spirit and principles of the constitution, that he would have justly merited to be stigmatized as a traitor to his country if he had declined to lay them before the house. Before he proceeded further, he would move that the several entries on the Journals relating to the proceedings against the two Shepherds, members of that house, be read. [The clerk here read the entry, dated the 13th of Feb. 1700, in which it was stated, that Samuel and Francis Shepherd, esqrs. members of that house, were ordered to attend in their places, on charges of corrupt practices respecting seats in parliament; also the entry dated Feb. 15, 1700, specifying, that corruption

had been practised on the electors of Newport, in the Isle of Wight, Malmsbury, Wootton Basset, and other places; also the entry of March 18th, 1700, stating, that Messrs. Shepherds had been heard in their places, and by their counsel at the bar; finding the charges proved, and ordering that Samuel Shepherd, senior, be committed to the Tower, and his agent to Newgate.] He wished to call the attention of the house to the form of the proceeding on that occasion. It appeared first, that information of the corrupt practices was laid before the house; next, that the two Shepherds were heard in their places; and thirdly, that they were headed by their counsel at the bar. The Charges he had to bring forward were against two of his majesty's ministers; one against the right hon. Spencer Perceval, for having, through the agency of the hon. Henry Wellesley, late Secretary to the Treasury, and late a member of this house, and also by other agents, been guilty of corrupt and criminal practices, in order to procure members to be elected into this parliament: The other was against the right hon. lord viscount Castlereagh, a member of this house, for similar practices. He would take up the time of the house no longer, but move that these Charges be heard at the bar of the house, on Tuesday next.

The motion having been read from the Chair,

The *Chancellor of the Exchequer* (rising under evident agitation) said, that he knew not what course was pursued in 1700, the æra of the hon. member's precedents; but through the whole of his acquaintance with the proceedings of that house, he never knew any instance when an accusation was brought forward against a member, that the substance of such accusation was not previously communicated to him; and that, through the common courtesy of the house, he was not allowed to be heard in his defence. The hon. member, however, was the best judge of the course he meant to pursue. Under these circumstances, nothing remained for him but to make his bow, and leave the question to the decision of the house. [The right hon. member immediately left the house].

Sir *J. Anstruther* said, that the form of proceeding proposed by the hon. member was one of the strangest he ever heard. The house would pause before it came to so extraordinary a resolution. Whether the persons accused stood there as his majesty's ministers, or whether they were the lowest members of society, they were entitled, before they were called on for their defence, to be acquainted with the nature, at least, of the crime with which they were charged. What information, he would ask, had the hon. member given, to call upon the house to adopt so solemn a proceeding, as a hearing at their bar? What charges had he specified against Mr. Spencer Perceval or lord Castlereagh? Would any court, which deserved to be called a court, conduct itself upon such principles? Was it ever heard, that a person was to be set down as one under accusation, without the slightest information having been laid before the house? The hon. member told them, that he was informed a member of that house had stated in a former debate some instances of corrupt practices within his knowledge; and upon these grounds he preferred a charge, which had the effect of obliging the right hon. member to quit the house. If every member, against whom vague and indefinite charges of this kind might be brought forward must withdraw, as a matter of course, the hon. member might soon have the whole house to himself. He deprecated the scattering of loose and unfounded accusations. The hon. member was totally mistaken in his precedent. As far as his recollection served him, it did not sanction the form of proceeding he recommended. The charges against the Shepherds were the subject of long and frequent examinations before committees of that house. There was no precedent for putting a man on his trial on such slight grounds.

Sir *F. Burdett* observed, that his hon. friend had no objection to state the particulars of that information, which he meant to lay before the house. He always understood that a member informing the house that a report had reached him of corrupt practices, was held sufficient grounds to proceed upon. The house had often proceeded to hear evidence at the bar, upon even slighter grounds than the mere knowledge of members.

Mr. *Biddulph* thought it was the duty of the right hon. members against whom the charges were brought, to stand up and second the motion, if it were only for the purpose of clearing their characters. After what had been said in that house, respecting these corrupt practices, it was impossible not to take notice of the subject. The house

could not, maintaining any regard for its character, pass over so extraordinary a circumstance. Some of his majesty's ministers were charged with being active agents in corruption. The tone and dignity of that house must be gradually falling, the feelings of ministers themselves must be wofully blunted, indeed, if they could sit in their places, and hear such accusations. The hon. member was entitled to the attention of the house, if it were only on account of the grave and important nature of the Charges he brought forward. It was, in substance, no less than this, that two of his majesty's ministers were accused of corrupt practices, to procure the return of members to parliament.

Mr. *Bathurst* conceived there was something extremely irregular in the form of proceeding proposed by the hon. member. It was a form of proceeding better adapted to the genius and spirit of one of the meetings that were so frequent, and so industriously promoted, than befitting the temper and dignity of that house. It would well become that meeting in which the extraordinary proposition was made and approved, that a man holding a place under government was not fit to sit in that house. Such propositions were not intended for the sober consideration of parliament. No; their object was to increase the popular ferment, to add fuel to fire; and to encourage and propagate that dangerous spirit that was circulated with a diligence the most suspicious.

"Spargere voces in vulgum ambiguas"—

seemed to be the grand principle of action of the leaders of these meetings. Their aim was to cry down all public men; to render them objects of distrust and suspicion. He could perceive no good, no substance in a motion grounded on undefined Charges of this kind. For his part, he must require something tangible, some statement that would enable him to determine whether the charge was fit to be entertained, and what were the grounds of suspicion. With respect to the precedent read, it did not stand upon the loose grounds that the motion of the honourable member did. It was not because one member should say that another did so and so, that that other member should be called upon to negative it. Where the charge was direct, the course of proceeding was plain. Instead of seconding the motion, the right hon. member could only do as he had done; and they were bound to support him against a most unfair mode of endeavouring to implicate the house.

Mr. *Biddulph* thought it extraordinary that the right hon. member, with whom he had not the least acquaintance, and who knew but little of him, should charge him with participating in factious meetings, and ——

Mr. *Whitbread* rose to order. It appeared to him that the hon. member totally misunderstood the last speaker.

Mr. *Bathurst* explained, that he certainly had no knowledge of the hon. member. What he said relating to factious meetings was meant to apply to the honourable member; but he now understood that he never attended any of those meetings, and he therefore begged pardon for having so alluded to him.

Mr. *Madocks* said, that when he gave notice of the motion which he brought forward that evening, he stated the substance of it as fully and explicitly as he could. He conceived that he would best do his duty by resting his proceeding upon precedent. If, in pursuing this course, he could be supposed to have acted uncandidly towards the members against whom his charges were directed, he begged to apologize to them. It arose from ignorance; for he could assure those hon. members, and he trusted the assertion would be believed, that he was anxious to bring the subject forward as fairly as possible. He was ready to adopt any mode of proceeding the house should recommend. It never was his intention, indeed it would be unfair, to send out a story to the country, without being prepared to prove the fact.

Here the *Speaker* interposed, and said, that after what had just fallen from the honourable member, he felt it imperative upon him to submit to the house his sentiments on the course of proceeding. If it was fit that a member should be heard in his place, it was also fit that he should hear the charges against which he was to defend himself. No charges could be stated against any absent member. In respect to the notice, the hon. member would allow him to tell him, that any notice against ministers applied to the whole of the administration, and that it was not the practice of ministers to withdraw, except the charges were personal. The notice the hon. member gave was against ministers generally. With respect to charges, the house always received them with great strictness and deliberation.

They ought to be brought forward in the most solemn manner. There were two modes of proceeding; either by impeachment, in which case they were decided by another tribunal; or sometimes oral charges were heard, against which the parties accused defended themselves in their places, and frequently by their counsel at the bar; and upon the whole matter the house came to such conclusion as it thought proper. With respect to the precedent that had been read, there was, to be sure, no speech on the Journals; but there was enough to imply that the substance of the motion had been previously given to the house. Without premises, no opinion was to be expected. A charge implied that the person accused was to be heard; that there was something on which he must be heard. After hearing the person accused, it would be for the house to say aye or no, whether they should proceed further. Reverting, therefore, to the subject, it was his opinion that no particulars of charge could now be stated. This opinion, however, if adopted by the house, shut out no further inquiry; shut out no hon. member from proceeding at any other time. The motion of the hon. member came as much by surprize upon him as upon the house; so much so, indeed, that he was not able to afford him that assistance he wished. If it should be the sense of the house not to proceed, as he thought it ought, it would be his duty to take its sense, aye or no, on the motion.

Mr. *Madocks* said, that he would be the last person to state any thing to the house which he conceived to be improper.

Mr. Secretary *Canning* thought there could be but one sentiment in the house on the subject of the present motion. Considering the mode in which it was brought forward, and the mistake in the case of the precedent referred to, he was convinced that the house ought to mark its opinion in so decided a manner, as not to render itself liable to a recurrence of such a proceeding. He rose, therefore, to advise the house not to agree to the withdrawing of the motion, but without intending any personal disrespect to the hon. mover. He should consequently oppose any motion of that nature, and call for the marked opinion of the house.

Mr. *Whitbread* rose to offer a few words. He commenced by noticing the curious reason assigned by the right hon. the Secretary of State for refusing to permit the motion to be withdrawn, and then negativing it; namely, that the house would thereby prevent the recurrence of similar errors. But it was for all that right hon. gent.'s ingenuity to find out how such a result as that was to be produced by the naked entry on the Journals of a proposition made and negatived. How could the negativing of the motion prevent any future misunderstanding of Shepherd's case. But the hon. member had not shewn any desire to withdraw his motion. As to the motion itself, notwithstanding the able exposition from the Chair, given with all the knowledge which characterized the right hon. gent. who was at all times so ready to give his assistance to every member of parliament, yet it appeared to him that any person might be misled by the Entry. There was no record of any, or what information was given in the instance of Shepherd's case, and therefore we were quite in the dark on that point. Shepherd protested his innocence, as the Chancellor of the Exchequer might have protested his innocence in this case. The Secretary of State himself had not been backward in proposing a resolution without a previous notice. The hon. member behind him had made a general charge, and had declared his readiness to tell his story to the house. He had, in his opinion, a perfect right to do so. The house had been warned against the effects of what had been termed "wide-wasting motions," which were inconsistent with the duty of members to each other, and to the state. To avoid such objections as were made against the activity of Committees, the hon. member had preferred a general charge of corruption, in the first instance, and had selected and specified two individual ministers of state, as parties against whom he declared himself ready to enter into the case, taking upon himself the responsibility and peril of the task. A right hon. gentleman had stated, that this charge might appear to be a trifling matter, when examined, and therefore, that it was necessary to know its nature beforehand: in short, to have it brought before the house in a 'tangible shape.' A tangible shape, he (Mr. W.) thought rather an aukward expression at present. The house had recently had pretty strong calls upon them for tangible shapes, and these tangible shapes had not turned out exactly as they were wished and expected to turn out. For his part, he thought the moment for putting the present charge into a tangible shape would be precisely that, when the

witnesses were called to the bar of the house to be examined upon the subject. This motion, it appeared, was treated by honourable gentlemen opposite as one part of a general system organized for the attack of all public men. This he must deny. Where was such a systematical plan to be discovered? What was to be expected from the feeling of the public, when they saw lately such an instance of the judgment of that house in a case where the accusation was brought home to the accused person, who confessed the commission of the offence, and whose confession was upon record; and yet that house, (always so watchful of its privileges and its dignity,) took no notice of what was proved, and saw no necessity of coming to any criminating Resolution? A right hon. gent. had thought proper to make some remarks upon gentlemen's attending certain clubs and societies existing for the purpose as he supposed, of exciting the public mind and inflaming popular passion. What had, in fact, excited the public mind? What, but the results of recent investigations into transactions of public importance! What, but the refusal of the house of commons to do justice on a member and a minister who did not deny his offences! What, without imputing such a design to ministers, would be the consequence of an attempt to stifle the expression of the public voice? He readily avowed, that during the whole of his political life he had been in the habit of attending meetings of the people. Every word he had said on these occasions he considered himself responsible for. He would not retract one word that he had used on such occasions. He was not one of those who would say they were sorry for having been at public meetings. He thought it fair to speak out, whatever marks of displeasure or censure he might observe on the countenances of gentlemen opposite, for he was neither afraid nor ashamed to avow that his not having been present at one meeting in particular, recently held, which gave great offence, did not arise from any thing he disliked or thought improper in the object of that meeting. He thought, indeed, that advantage might be taken to excite and inflame the public against the persons and principles of the friends of Reform. He professed himself to be strenuously for a Reform in the way in which it was defined last night, as an alteration in the constitution of that house. In noticing the remarks of the right hon. gent., he applied to the tendency of part of his speech the quotation he (Mr. Bathurst) had used—

"Spargere voces in vulgum ambiguas."

That right hon. gent. supposed that the results of such a Reform as was proposed, would be to exclude all public men from sitting in that house. He did not think so. He was not himself of that opinion, for he did not think that the Chancellor of the Exchequer, or the First Lord of the Treasury, or the Secretary of State, or any of the great and efficient officers of the crown, should be excluded from seats in that house. He would not go to the same extent as the Act of Settlement; but he must say, that he did see many before him holding places, who, without meaning any thing personal to them, he did think ought to be excluded. When a cry was raised against public meetings, because two ministers were charged with corruption, he felt desirous to ask the Chancellor of the Exchequer a few questions with respect to the means of inflaming the public mind. Was it meant to say that the few persons who were at the recent meeting could be so extremely dangerous? Was it true or not that gross corruptions existed? He would admit not so gross as in former times, but yet gross enough. Were we so purified? Had we really done enough in the progress of Reform? No, we could never do enough; if the work of Reform ceased, while human nature was human nature, corruption would succeed and triumph. We know that members were formerly paid by the crown so many pounds a year for their votes and support in the house of commons. Corruption was not now so gross; but in those times they had the benefit of arguments against Reforms similar to those used at present. Could any man arraign the conduct of his hon. friend who made the motion, and venture to say, that there was no corruption in the election of members to parliament? He had never been in office, and therefore had not the means of such particular knowledge of these things as some others; but he could speak from that sort of general knowledge that he had acquired on the subject, and was desirous that it should pass under close examination. He thought his hon. friend might fairly stand on the question of form, and take the sense of the house.—It was improper now to enter into particular observations while the parties accused were absent; but he contended that cases might occur, in which a member might not have a quarter of an

hour's notice, to bring general charges. The Secretary of State wished a negative to be put upon this motion, to serve as a sort of land-mark to prevent future attempts at encroachment. He, too, wished the sense of the house taken, to serve as a land-mark of the privileges and duties of members of that house. Corrupt conduct was imputed to Mr. Spencer Perceval and lord Castlereagh. The responsibility was on the mover, and let the house decide fairly; the withdrawing of the motion might carry the appearance of mistake in the mover. It might have been more prudent to consult the opinion of the Chair; but the motion being made, he thought the principle of the right ought not to be yielded. This was an attack, not upon all public men, but on their corrupt practices; and if defeated in the question now, he hoped it would be brought on again almost immediately. They all knew of these practices, and they had recognized them. The house of commons had passed over a case proved before them, and the man remained a minister of state. Did not that transaction shew that abuse was not corrected or checked? and those men who did not wish for a Parliamentary Reform, should look well to the remedy of what was practically wrong, and for which members might be sent to Newgate. A member offers to prove the existence of ministerial corruption, and up jumps some hon. gent., and charges him with attacking all public characters, and endeavouring to destroy the constitution from the foundation, and to build up some new edifice. He denied again the truth of such charges. He saw no proof or just suspicion of such a system as was alluded to. If the house would not give the people the right of public investigation into abuses, the people might be quiet; but they would see, that they who refused inquiry, refused to them the British constitution.

Sir *John Anstruther* explained, that he did not state that the attack on lord Castlereagh was part of an attack on all public men, whatever opinion he might entertain on that subject.

Mr. *Yorke* spoke with great animation in reprobation of the motion. He considered it as unjust and ridiculous. Were honourable gentlemen so ignorant of the history of their country, of the forms and privileges of that house, in which they had the honour to sit, as to encourage a motion so unjust and unprecedented? Every man who was conversant in the proceedings of the house, who had the smallest ideas of justice, of liberty, of the laws under which he lives, must give to it his decided negative, and not allow a refuge to this unjust, this ridiculous motion.

Mr. *Gooch*, noticing the observation, that attempts were made to throw a slur on the conduct of persons attending public meetings, said, that if the speeches attributed to particular persons were literally so, they went near to destroy what was the most desirable of all things in the present state of the country; he meant the unanimity of the public mind; and tended to more mischief than all their authors could retrieve, if they lived to sit in the house for a hundred years to come. He would give his feeble assistance to the prevention of real abuses, but not to those general attacks of abuses, never known as such till these pure days. These public meetings could only do mischief. He did not impute improper motives to individuals, but as to voting public thanks to a gentleman for his patriotism, he would as soon vote them to Mrs. Clarke for her virtue. (A laugh. Hear! hear!) He would not be deterred from his opinions by the sentiments of any set of people. The expressions he had heard imputed to an hon. gent. did him no credit as an Englishman. He hoped always to see respectable persons opposing government. They were the guardians of the public interest; but there was a power behind those benches (the opposition benches) greater than those benches themselves. That power looked not to parliament, but to a faction who would get rid of all parties, and represent themselves to the country as the concentrated essence of political purity. (Hear!) The hon. baronet opposite (sir Francis Burdett) with whom he was once in friendship, acted, he believed, honestly and conscientiously in public life, or else his nature must have changed since he knew him; but his political proceedings had his total dissent, and he trembled at the consequence of his enthusiastic conduct.

Mr. *Lyttleton* had never heard of such charges, unsupported by proofs, as were made from the opposite side of the house. The benches below him were, it seemed, the guards of the public purse. What then, became of ministers, and of all the rest of the house? The most severe remarks had been introduced upon public meetings. He had happened to attend at one of them for the specific purpose of celebrating, in common with all the na-

tion, the conduct of that minority of 125, of which one gentleman in particular was the leader. The nation had expressed its sentiment of that minority in a strong and audible voice, and he thought that gentlemen ought not to hesitate to treat that voice with respect, though an honourable member might charge such celebrations as attempts to create confusion. The object of the meeting he attended was definite and honourable. He did not go to the Crown and Anchor, for reasons similar to those already stated (by Mr. Whitbread). If the house adopted a moderate and just Reform, he believed that the public meetings would be fewer, and less alarming to government. They were the natural consequences of the misconduct of the house, and there was no prevention of them by absolute force, but by timely Reform. As for misrepresentations of the press, which were complained of by gentlemen opposite, had not others, and particularly an hon. baronet, been treated to the full with as little ceremony. He could not believe that the nation would impute to the advocates of Reform what the press imputed to them. Indeed, such reports of public meetings would be trampled upon, if the grievances themselves did not actually exist. He thought, after what the Speaker had said, it would be more regular to withdraw the motion; but not to withdraw it so as to yield a privilege. He concluded by declaring his opinion, that the ministers of the crown possessed an undue influence in that house.

Mr. *Brand* expressed his astonishment to hear accusations and censures on gentlemen for an ancient, acknowledged constitutional practice of Englishmen, in attending public meetings. This, he had been always taught, ignorant as perhaps he was of the history of the country. Meetings of the people for the attainment of a moderate Reform, conducted with regularity and order, did not lead to public mischief, but to open the eyes of the country and of the house. He avowed that he was a steward at one of those meetings, and joined in recommending to the counties to petition parliament for the desired Reform, temperately, yet urgently. That embraced the entire object of the meeting. He was ready at any time, to defend his conduct on the principles of our forefathers, and should continue to be guided by those principles. He rose chiefly at present to repel unfounded aspersions.

Mr. *Sturges Bourne* said, that no distinct charge had been proposed against either of the two parties accused. He never knew any motion more contrary to justice in that house, or elsewhere. He was even surprized to hear it defended by an honourable member opposite (Mr. Whitbread) versed, as he was, in his favourite character of a public accuser in the British house of commons. Was a charge of personal corruption to be treated like a general charge against an administration? He was proud that he was no party to such resolutions as those lately published, stating a clause in the Act of Settlement as the existing law of the land, which never was law. [Here it was observed that it was four years before it was repealed.] Never till lately had it been seen in this country that bodies of people, not present during a judicial examination, had met to arraign the conduct of those who found it their duty to acquit one who was accused. He never till now heard of condemning the house of commons in this manner, for the exercise of their duty in an acquittal. He could not conceive how those who called themselves the great friends of the country could reconcile it to their feelings to degrade the character of the house of commons.

Mr. *Hutchinson* had not attended any of the public meetings, and from his habits of life it was not likely he should attend them; but he joined in expressions of surprize at the language he had heard. If such language was correct, he should suppose that the house of commons had nothing to do with the people, but were of their own creation. If the tendency of the doctrines he had lately heard were encouraged and acted upon, he should bid adieu to the liberties of the country, and should account his being sent to parliament not an honour but a degradation. If it were thought just and expedient to attack the meetings of the public, it would be better at once to vote the constitution at an end. He conceived it to be a public duty to obtain reform in every constitutional way.

Mr. *C. Wynn* thought the motion irregular, as it contained no specific charge, nor had been introduced with any detail of circumstances or statement of facts.

The question being put, the motion was negatived without a division.

[CHELSEA HOSPITAL—COLONEL GORDON.] Sir *Oswald Mosley* began by saying he anticipated some opposition to the

motion of which he had given notice. The idea of building the infirmary in an airy situation was suggested first by Dr. Moseley; and the lands in question, of which lord Yarborough was then tenant, were purchased for this purpose. Very shortly indeed after the purchase had been made by government, and before the surveyors had made their report, application was made by col. Gordon to become tenant to part of the lands. The report of the surveyors was, that the annual value of the part taken by col. Gordon was much diminished by having an infirmary built so near it. If this nuisance, however, was so great, he would ask, why col. Gordon was so early in his application, or why he chose that spot? He must object to the whole transaction upon two grounds. The first was, that he thought these lands ought not to have been leased at all to any individual: and his second objection was, that they were let on terms very inadequate to the real value. As to his first objection, he believed that it would now be confessed universally that a saving of 55*l.* per annum was no object to be put in comparison with the health and comfort of our veterans. The situation that had been fixed upon for col. Gordon's house, would certainly never have been altered, if it had not been for the notice which had been first taken of the subject in that house by the hon. baronet (sir F. Burdett.) It had been stated, somewhat inaccurately, that the whole of this ground had been purchased from lord Yarborough, whereas, in fact, part of it had belonged to the hospital, and had been much dilapidated by what was called the improvements of col. Gordon. When the surveyors calculated in their report that col. Gordon was entitled to get at least six pounds per cent. on the 4,500*l.* he was found to expend, it did not, however, appear to him, that the surveyors had taken into their calculation what it was that the public were to gain upon this transaction. By some papers that were circulated by the friends of col. Gordon, it was stated, that he was at a most immense expence in keeping up a wall, which he was bound by his contract to keep in repair, and that this wall was to him like a pit that swallowed up the whole produce of the land. He was however informed, that as to the vast expence of keeping up this wall, there were many builders in this town that would be very ready to keep it in repair for ten pounds per annum. If col. Gordon was really to be annoyed at the sight of old soldiers taking the air, he could not conceive why he chose to take those premises. He had made inquiries at Chelsea about the value of ground, and he was informed that many gardeners would have given 20*l.* an acre for such ground, even if it had not the advantage of being on the river. It appeared therefore that any common gardener would have given 80*l.* a year for what col. Gordon gave but 55*l.* Col. Gordon might, as soon as he got the lease, have let it out at a profit. If the value of the land was said to be so depreciated from the contiguity of the infirmary, was not that a reason for not separating the land from the building? At present the building gave more the idea of the damp vaults of a secluded prison than of an airy and comfortable dwelling for invalids. He should much rather see the old soldier walking about these grounds and smoking his pipe there, than see all the improvements which col. Gordon could make. As to col. Gordon personally, he did not mean to say, that he, from his long services, was not as much entitled to any favour as another officer; but he would say that these grounds ought not to have been taken away from the infirmary to be given to any individual. He was ready to prove at the bar, that most of the officers at Chelsea remonstrated against this transaction, but that the governor persisted. He should only wish to call a few witnesses to the bar. The honourable baronet here mentioned the names of sir David Dundas, Dr. Moseley, Mr. Fordyce, and nine or ten other gentlemen, being medical men, surveyors, or architects. He concluded by moving "That a Committee be appointed to investigate certain transactions respecting the building of the new Infirmary at Chelsea."

The *Chancellor of the Exchequer* said, that whatever wish gentlemen might have to proceed further in this inquiry, he could hardly suppose them serious in proposing to call witnesses to the bar, and to consume much of the time of the house on a business of this nature. If it were necessary to leave the further consideration of such a business to a committee, the inquiry should be left to a select committee, and the time of the house should not be wasted by a long examination of witnesses. He hoped, however, that they would not think any further proceeding necessary when they should hear the statement he had to make. The case had since been inquired

into, both by the governors of Chelsea Hospital and the Treasury; and on a communication with colonel Gordon, he expressed himself very ready to extend the space towards the infirmary. The governors of Chelsea Hospital had afterwards thought that it would be advisable to make other additions to the infirmary, and that perhaps they might want the whole of the ground, and they therefore wrote to the Treasury to know whether the contract with col. Gordon was so concluded as to prevent this. The Treasury wrote back to them in answer, that the contract was in such a situation, that they conceived col. Gordon had an equitable title to a lease from them. He was convinced that if such a contract had existed between individuals, a court of equity would have decreed the performance of it, and that a lease should be executed. It was, however, now settled that other surveyors and other physicians should be called upon to give their report; and if their report should be, that those grounds were necessary for the infirmary, government would certainly endeavour to prevail on col. Gordon to give them up. There could certainly in this case be no sort of blame attached to ministers for judging, not with their own eyes, but with the eyes of men who knew the value of lands, and were sworn surveyors. The inquiry was certainly one that would be beneath the dignity of the house to maintain at their bar. The hon. baronet had said, that the examination would be very short, and yet he had given in a list of ten or eleven witnesses. It would be evidently wasting the time of the house to have all those witnesses examined at the bar.

Mr. *Biddulph* was astonished at the report of the surveyors, who estimated the value of this ground, as he knew many members of that house who would give 2,000*l.* more for it than it was let for to col. Gordon. For himself he would say, that he was ready to give more for it, and he was certain that he could make a profit by the purchase.

Lord *Milton* agreed with the right hon. the Chancellor of the Exchequer, that it would be beneath the dignity of the house to resolve itself into a committee of the whole house, and hear witnesses at their bar on such a subject as this. The principal object of his rising was, that a noble friend of his (lord Yarborough) had felt himself excessively hurt at the representations that had been made of his conduct. It would be thought by some people that his lordship had made a sort of Jewish bargain with the government. The fact was, that being in possession of those lands as tenant of the crown, lord Yarborough applied to government, in the year 1805, for a renewal of the lease, but was told that the ground would probably be wanted for an infirmary. Lord Yarborough felt the force of this objection, and never applied again for the renewal, but offered it to government immediately, there being seventeen years of the lease unexpired. It was then left to surveyors to estimate the value, and those surveyors differed very much, one valuing it at 2,000*l.* and the other at 8,000*l.* At length a surveyor valued it at 4,700*l.* which, although it appeared too small a valuation, both to lord Yarborough and to his friend sir Joseph Banks, who advised him not to take it, yet his lordship resolved to give it to government on those terms. Now it appeared hard, and something like a job, that the lease of those grounds, which could not be renewed to lord Yarborough, for the reason then assigned, should be, so soon after the surrender by him, given to col. Gordon.

Mr. *Huskisson* said, that in whatever observation he had made with respect to lord Yarborough, it certainly was never his intention to throw any sort of reflection on the conduct of that noble lord, but merely to vindicate the government from the imputation of having obtained those grounds from lord Yarborough under false pretences. The fact was, that the bargain was fair on both sides. If the surveyors differed so widely in their report, the one valuing it at 8,000*l.* and the other at only 2,000*l.* the reason was, the surveyor who set the larger value on it, conceived that lord Yarborough had a right to let it out on building leases. From all the information he had upon the subject, he must deny that government had made any conditions about what they were to do with the ground when they bought it, and the only condition that he knew of was paying a fair price for it. As for the application of lord Yarborough to government to get a renewal of the lease, there was not in the Treasury any evidence or trace of such an application ever having been made.

General *Tarleton* spoke at some length on the propriety of granting every comfort and indulgence to old worn-out sol-

diers, who only got admittance into Chelsea Hospital from their long services, their wounds, and their constitutions being worn out in the service of their country. If the nation chose to build palaces for these discharged veterans, ornamented gardens should go along with the palaces; and the old soldier should not be prevented from walking in them. It would be a pleasing sight to the young as well as to the old to see the worn-out soldier enjoying all the comforts which the liberality of this country designed for them. He thought the hon. baronet (sir F. Burdett) had therefore great merit in bringing this subject before the consideration of the house.

Colonel *Wood* bore testimony to the long services and professional merits of col. Gordon, who was, he was confident, one of the last men in the empire, who would appropriate to himself any thing whatever that could interfere with the comfort of a British soldier. Whatever some gentlemen might think of the value of the situation of this meritorious officer, he begged it to be understood that it engrossed the whole of his time and his mind, and left him scarcely leisure to enjoy the ordinary comforts of life.

Earl *Percy* observed, that col. Gordon bid for this ground as any other man might have done; and if any blame belonged to the transaction, that blame did not appear to attach to that officer.

Sir *Francis Burdett* said, that with respect to the bargain, so far as it affected the public, it was an absolute job. The pensioners were to be immured to give advantage to colonel Gordon's pleasure-grounds; and though, according to the speech of the hon. gent. who had just sat down, that officer would not take advantage of the soldier, he seemed to have no objection to take advantage of the ground. This was, in his opinion, the only spot in England fit for the purpose of an infirmary for the hospital, and he would be happy to give double the sum col. Gordon was to pay for it, and secure it on any of his estates, for the sole purpose of giving it up to the hospital, rather than this monument of national munificence should be disfigured. He thought this the greatest job he had ever heard of; it was a job of all jobs, and ought to be distinguished by the name of *the Job*. We heard every day of barometers, thermometers, and chronometers, and this should be called the Jobometer. As to the papers, he would not go into them. Dr. Moseley desired the whole of the premises. Mr. Aust, in his letter, says, part may be granted; and in that division col. Gordon got about sixteen parts out of nineteen. Some gentlemen had talked of the expence of a wall; but they did not mention, that if it was not for col. Gordon, that wall would not be wanting. He thought the pensioners were very ill used in many respects. There was a very fine large public terrace, but the old soldiers were never suffered to set a foot on it; they were totally excluded from it: and as to the garden, not a single leek were the poor pensioners permitted to take to make their porridge with. He could not see such transactions going forward without taking notice of them. He felt it to be an imperious duty which compelled him to aim at their correction. He had no doubt, but, in these demure times, the cry would be raised against him. He did not know by what name he should be assailed; jacobin, he supposed, was grown too stale and worn out, and gentlemen began to be ashamed of it; but it signified not to him what it was; he would wear any name that went along with the reformation of abuses. With respect to the motion, he had no doubt but his hon. friend who brought it forward, would agree to take a select committee, instead of an open committee of the whole house; and as there were further papers to be produced, they might be referred to the said committee.

Mr. *Yorke* contended, that the hon. baronet had misrepresented the fact; though, he had no doubt he had done so from misconception. No idea had been formed of making the Infirmary for the poor invalids to resemble a prison.

Mr. *W. Smith* said, that in looking over the papers, he thought government must have been imposed on. He would not suppose they were capable of making such a disposition, as to give it the colour of a job, and yet from the whole of the valuation of the surveyors, it certainly bore something of that appearance. The house of Mrs. Aufrere, which was to be converted into an infirmary, was valued, with the small piece of land adjoining it, at 6,380*l.*; and the remaining land, which was four acres, was let for 55*l.* a year. It was with considerable astonishment he had read the Report, and he never could have supposed it to be one drawn up on the part of the public but on the part of a lessee, who was stating every thing he could for

his own interest. Respecting what fell from the Chancellor of the Exchequer, as to prevailing with col. Gordon to give up the grant, if any fraud or delusion had been practised on the Treasury, he thought it would be like the case of a minor's estate, in which, where fraud or delusion was used, a court of equity would set aside the agreement made by trustees; so, in this instance, if fraud or delusion by any one appeared, the house might interfere, and prevent the completion of the grant.

The *Chancellor of the Exchequer* explained, and said he never supposed there was any fraud or delusion; but that if on inquiry it should be found a desirable thing, and that, on the new plan of Mr. Soame, the hospital would be benefited by it, the Treasury would endeavour to get the grant relinquished.

Mr. *Long* said, the board never heard a word of complaint on this subject till the 13th of April, till the morning of the very day on which the hon. baronet first brought the matter before the house; and they immediately began an investigation of the subject, and had continued their inquiries ever since. It had been said no individual ought to have this ground, but that it should be converted to the general use of the hospital. He thought so as much as any one, and no man would be more ready to put it to that use, if proved to be advantageous to the hospital. He wished the Minutes of Evidence taken before the board since the 13th of April should be laid before the house. They would then see what had been done. As soon as this motion was negatived, he should move that those Minutes of Evidence be laid before the house, and if, after they had seen those and the other papers which his right hon. friend meant to bring forward, the house should not be satisfied, they might then have recourse to a select committee.

Mr *Wortley* said, the hon. baronet opposite (sir F. Burdett), who was always loud against abuses, had characterised this as being of all jobs the worst; that indeed it should be called *the Job*. In that case he thought we might take credit to ourselves for more than an ordinary share of virtue. The veteran soldier was here said to have been robbed of his convenience, but he maintained that the case had not been made out.

Sir *O. Mosley* in reply, agreed that the case was not made out, because the house had not all the necessary evidence before it: But, he pledged himself to make it out by the *viva voce* evidence he had offered to produce, and which he should bring before a select committee, if that mode was thought the most preferable way of proceeding. He understood col. Gordon had already been offered 4,000*l.* profit on his purchase, and was of opinion the Treasury had better give him that sum than complete the transaction. He agreed that since the question was first before the house, the site of col. Gordon's house had been changed, but to what part it had been transplanted he did not know, access to the premises having since been denied him.

The house then divided,

For the Motion - - - - -	73
Against it - - - - - -	170
Majority against the Motion	97

[PAPERS RELATING TO SPAIN.] Mr. Canning presented to the house, the following

PAPERS RELATING TO SPAIN.

No. I.—*Copy of a* DISPATCH *from the right hon. J. H. Frere, to Mr. Secretary Canning, dated Aranjuez, Nov. 24th,* 1808.

Sir; The inclosed Note which I took occasion to send yesterday to M. Garay, the secretary of the Junta, contains the recapitulation of a conversation which I had with him the evening before, in consequence of a very urgent representation which I had received from Sir John Moore, complaining of the inattention and negligence which the army under his command had experienced from the Spanish government, and declaring that in case of their continuance, he should conceive it his duty to withdraw a force, whose safety was exposed to imminent hazard, without the possibility of rendering themselves useful. This Note contains so exact a statement of what passed on this subject, that it is hardly necessary to add any thing, except that M. Garay deprecated, in the most earnest terms, the retreat of our troops upon Portugal, as a measure which must ensure the ruin of their cause; an opinion in which I could not help agreeing with him; but which (having no means of obviating such a step) I could only press as an additional reason for desisting from a line of conduct, ruinous and absurd in itself, and obviously leading to the result which he most dreaded.—M.

Garay likewise informed me, that an enquiry was to be instituted into the causes of the disaster at Burgos. I have the honour to be, &c. (Signed)
J. H. FRERE.

Translation of a NOTE *from the right hon. J. H. Frere, to M. de Garay, dated Aranjuez, 23rd Nov.* 1808.

Sir; I have thought it incumbent on me to address to your excellency, as member and secretary of the Supreme Central Junta, a representation which appeared to me too important not to be communicated to that assembly by one of its individuals, distinguished by its confidence, and charged with its most important functions. —Letters which have reached me from sir John Moore have occasioned my recapitulating to you the complaints which he addressed to me, and which he regretted, he said, it was not in his power personally to make at Aranjuez. — He complains first of the state of uncertainty in which he finds himself as to the numbers and positions of the enemy, and even as to the projects and events of the campaign, to such a degree, he says, that at the time of the unmilitary evacuation of Valladolid by general Pignatelli, that officer did not think proper to send him intelligence of it. The details of the flight, and of the effective state of the army of Estremadura, were likewise long unknown to him; the defeat of general Blake, and his retreat upon Reynosa, were likewise unknown to him, until at length he received an account of it from Madrid.— He proceeds in these terms: "I have no communication with any of the Spanish armies, neither am I acquainted with the intentions of the Spanish government, nor with those of any of its generals. Castanos, with whom I had been directed to correspond, is deprived of his command, at the moment when I might have expected some accounts from him; and Romana, with whom I am now, I suppose, to enter into a correspondence, is absent. In the meanwhile, the French are only four days march from my army, which is but now assembling; and I cannot yet learn the state of their force; no channel of information has been opened to me, and I have not yet been long enough in the country to find them out myself. I acquaint you with these particulars; I wish it were in my power to go to Aranjuez or Madrid, in order to make a representation of them in person; for truly, if matters remain in this state, the ruin of the cause of Spain, and the defeat of her armies, cannot fail to take place; and it will become my duty to look to the safety of the British forces alone, and to take measures for extricating them from a situation, where, without the possibility of being useful, they are exposed to certain defeat."—In answer to these observations relative to general Castanos and the marquis de la Romana, your excellency informed me, to my very great surprise, that it was about ten days since orders had been dispatched to the marquis de la Romana, that he should take the command of the army of the centre, leaving that of the north and of the Asturias under the orders of general Blake.—A secret, common to an assembly of thirty-two persons, might, it seems to me, have been confided to the minister of his Britannic majesty, even though there had not been an interesting fact in question, the knowledge of which was necessary towards carrying on that correspondence on which the safety of the English army might depend. I conceived that your excellency would not be insensible to the justice of this remark; to which I might have added, that the news of the entry of the French into Valladolid was concealed from me.—The intelligence of the defeat of general Blake (which might have occasioned the total defeat of the two divisions, which were beginning to form themselves under generals Moore and Baird) was indeed communicated to me, but not till the evening of the day after that on which the courier had arrived.—I am very far from feeling the least sentiment of personal resentment towards those respectable persons, who have only followed a system which has been prescribed to them, as well with regard to their answers as to their silence; but it is my duty loudly to protest against the continuance of a system, which, without ensuring secrecy with respect to the enemy, establishes distrust and mystery, instead of that confidence which should serve as a basis to those combinations on which the fate of the present war must depend.— I have learnt, with much pleasure, the recal of the commission sent to the army of the centre, as well as the account of the nomination of M. de Morla, with full powers to confer and conclude with our officers, on all subjects relative to a system of efficacious co-operation; and I hope that these powers will be augmented, as well in what relates to execution, as deli-

beration.—The courier dispatched to the marquis de la Romana will, doubtless, have conveyed to him, agreeably to the intentions of your excellency, an order to open a communication with general sir John Moore. I cannot conclude without thanking your excellency for the attention with which you listened, in my first conference, to the details of a representation necessarily irksome. I entreat you at the same time to accept the assurances, &c.

(Signed) J. H. FRERE.

No. II.—*Extract of a* DISPATCH *from the right hon. John Hookham Frere, to Mr. Secretary Canning; dated Aranjuez, 26th November* 1808.

I send inclosed a Note from M. Garay, in answer to the one which I addressed to him in consequence of the verbal remonstrances, which I had made, founded upon the representation of sir John Moore.

Copy of a NOTE *from M. Garay, to the right hon. John Hookham Frere; dated Aranjuez, 24th November* 1808.

(Translation.) Most Excellent Sir; I have laid before the Supreme ruling Junta of the kingdom, the Note your excellency was pleased to address to me yesterday, relative to the complaints made to you by sir John Moore, with regard to the state of ignorance in which he was kept with respect to the number and positions of the enemy, and to the events and operations of our armies.—Of the evacuation of Valladolid, which was not a military movement, the Supreme Junta knows nothing, neither of the particulars of an action in which one of the divisions of the army of Estramadura was concerned; the same was the case with regard to the details of the operations of general Blake, who states that he has had two engagements, the one of which was in favour of our arms, and the other, though of no great advantage to the enemy, obliged him to retreat to Reynosa.—Each of the generals had received positive orders from the Junta, which are now reiterated to them by extraordinary couriers, to communicate with the English general, and to act in concert with him. His majesty would receive the highest satisfaction if sir John Moore could appear personally at Aranjuez, or at Madrid, to make such observations, and to adjust those points which he thinks might conduce to the removal of those circumstances which appear contrary to good understanding, and which might produce all the effect that may be expected from our union with the great power, which with such generosity affords us assistance, and which the Junta could not see disappointed, without the greatest regret. This however could not happen, if, acting in concert and with a perfect harmony, we avail ourselves of a speedy union of the forces, to complete the destruction of the enemy and of his plans; if, the English troops forming a junction with the left of our army, we compose a formidable body of seventy thousand infantry and six thousand cavalry, a force with which we should be certain of the blow, and which we never could be by any different conduct. Then the generous efforts of our ally, England, would complete the work, under whose happy and auspicious commencement the eternal friendship and alliance by which the two nations are for ever to be connected, began; so that neither interest nor policy shall ever break the bonds by which they are united.—When I spoke to your excellency with regard to general Castanos, I had the honour to explain to you the strong political motives that existed for acting as we had done. Your excellency was convinced, and it was then determined, that he should not quit the command until the arrival of the marquis de la Romana. In this there has been no secret, nor should there be any, however important it may be, with regard to the minister of a friendly nation, towards whom the Junta feels the greatest personal esteem and consideration, independent of his official character.—The Junta knew of the enemy's entry into Valladolid, and afterwards of the evacuation of that city by the French troops, who made but a very short stay there.—General Morla is appointed to treat with the English generals, to agree upon the necessary plans and operations, and to give information of them to the Supreme Junta: proceeding immediately to the execution of those measures which are urgent and necessary.—I have now only to assure your excellency of the particular satisfaction and pleasure I derived from hearing your remarks upon those matters, which led to this our first conference. I shall be ready to repeat it, with pleasure, as often as your excellency may think proper, either at your house, or wherever else you may choose to appoint. In the mean time, I am, &c.

(Signed) MARTIN DE GARAY.

No. 3.—*Substance of a* COMMUNICATION *from lieutenant general Sir John Moore,*

to Charles Stuart, esquire; dated Salamanca, 29th November 1808.

I had determined to unite the army if possible, and to try what could be done for the Spaniards; though I own, I saw but little chance of doing much good. I had ordered Baird, though all his corps could not be at Astorga until the 4th, to march with such part as already was there, to Benevente on the 1st December; and on that day I was to march myself with a corps from this to Toro, and to send another to Zamora. Hope was to have marched to Tordecillas; and we should thus have taken up a line upon the Douro, to cover the arrival of our stores, &c. and then to have acted according to circumstances. But this destruction of Castanos's army, announced by your letter, which Mr. Vaughan brought me yesterday afternoon, changes the case. My junction with Baird is no longer practicable. But if it was, the little resistance made by the Spanish armies gives no hope of our doing any good. We should soon have the greatest force of the enemy to encounter single handed, and this we are not equal to; I have therefore come to the determination to retire. I have ordered Baird to fall back on Corunna. I shall endeavour to unite with Hope, and retire upon the frontier of Portugal. I shall be at hand to return, if affairs take a more favourable turn; or the army may be transported by me to some other point, where they may still be useful, if this government be overset, and another rises up directed by men of more ability.

HOUSE OF LORDS.

Monday, May 8.

[SCOTCH JUDICATURE BILL.] On this bill being reported from the committee,

Lord *Grenville* rose, and expressed his surprize at the silent manner in which it had been introduced into the house, and passed through its stages. It was a bill of the greatest importance, and one that ought not to be smuggled through the house. The object of the bill was to extend the period already fixed by parliament for the report of the commissioners nominated to inquire into and report to that house the amendments practicable in the administration of justice in Scotland, and particularly to report upon the great question of extending the benefits of Trial by Jury in civil as well as criminal cases in that part of the island. These commissioners were bound to report from time to time, and to make their final report by the 12th of November, 1809. But as yet he was in perfect ignorance of their proceedings, as their lordships had received no report whatever from them. It was of importance to know what was the great difficulty that stood in the way of the duties parliament appointed them to perform, and whether they had really been negligent or indisposed, or whether it was the fault of the king's secretary of state, who had not laid these reports from time to time on their lordships' table. A noble and learned lord, who was the predecessor of the noble and learned lord on the woolsack, and whom his majesty had been advised to appoint one of the commissioners, and whose great talents were an ornament to that house or any other place, and whose assistance in every instance must be great and beneficial, that noble and learned lord, notwithstanding his particular connection with, and knowledge of, the northern part of the island, did not, till yesterday, know any thing of this bill which had come so unobservedly and strangely into that house. He was sure that that noble lord would do his duty as a commissioner, and so he could say of another person named in that commission. The great majority of the commission his lordship was not acquainted with, nor even knew their persons. But it was desirable and necessary to know what they had done, for if this bill were passed without comment, they might come next session very probably requesting farther delay. He thought that those who had taken an active part in the proposed ameliorations in the administration of Scottish jurisprudence, were not treated with all that respect which was the usual courtesy of one noble lord to others, when they had no notice or intimation whatever of such a bill being about to be brought forward. He desired, therefore, to know what proceedings had already been had by those commissioners, before he could consent, in the very teeth of the conditions of their appointment, and without a single reason assigned, to this dangerous delay. It was desirable to know what disposition the commissioners had to perform their duties. The noble and learned lord on the woolsack gave hopes to the house that reports would be presented from time to time; but the house did not stand, towards those commissioners, upon the mere assertion or

promise of the noble and learned lord. On the contrary, the house had embodied its wishes into the very legislative measure from which the commissioners derived their existence as such.—After many other observations delivered with considerable animation, his lordship intimated his intention to move something on the subject, in order to learn what the commissioners had done, and the real state of their inquiries.

The *Lord Chancellor*, after some comments upon the manner of the noble baron in making his remarks, stated the reasons for the delay proposed. When he advised the nomination that took place, he was acting in the way which he thought best for the purpose. He had recommended the names of those who were judges, or else barristers of great practice in Westminster Hall. The same course he had pursued with respect to the lords and the advocates in the court of session. Now, it happened, inevitably, that these persons resided at a great distance from each other, and that they had not those facilities that ensued from meeting all together in one common place; hence their communications must be much less prompt and frequent, and as so much must take place by written correspondence, it was absolutely impossible to be so quick as some persons might wish or expect. A great deal of information was wanted on a subject where the question was of the changing a part of the ancient laws. The noble and learned lord alluded to, and who was not in the house (lord Erskine) he had known so long, that he was sure that he would not have thanked the noble baron, for the censure he had pronounced on his (the Lord Chancellor's) conduct. The noble and learned lord made some observations upon the noble baron's charge of smuggling in the bill, which his lordship denied; as also upon the want of attention to himself, of which he appeared to complain. His lordship believed that he was not likely to be accused of shewing a want of attention to any noble lord, and he could hardly have imagined the possibility of such a charge.

Lord *Redesdale* stated various reasons for the prolongation of the existence of the commission, and commented in strong terms upon the imputations thrown by the noble baron on some of the most respectable characters of the country. It was not fair or just to condemn the commissioners, and to assume that they had no wish to discharge their duty.

The Lord Chancellor and lord Grenville explained mutually several times, after which the bill was ordered to be recommitted for Friday next. Lord Grenville moved, first for an address to his majesty, praying that the proceedings of the committee might be laid before the house, which, after some conversation, was changed for a resolution, agreed to, *nem. con.* that the commissioners should inform the house what progress they have made up to the present day.

HOUSE OF COMMONS.

Monday, May 8.

[King's Message respecting the Prince Regent of Portugal.] Mr. Secretary Canning brought down a Message from his majesty, which was read by the Speaker, as follows:

"G. *R.* His majesty thinks it right to acquaint the house of commons that his majesty's ally the Prince Regent of Portugal, has requested his majesty's assent to the raising of a loan of 600,000*l.* in this country, the produce of which to be applied in part to the liquidation of advances made by his majesty to the Prince Regent, on his emigration from Portugal; and for services connected with his establishment. A Convention has been entered into between his majesty and the Prince Regent, by which the latter secures to his majesty the revenues of the Island of Madeira, for the payment of the interest, and for the gradual reduction of the principal of this Loan; a copy of which Convention his majesty will order as soon as possible to be laid on the table of the house; but as it may be necessary to provide for raising this Loan, in the Supplies of the year, and as his majesty has engaged to recommend to parliament to guarantee the payment of it, he has thought proper to make this communication to the house, and his majesty relies on his faithful commons, that they will enable him to fulfil the engagements which he has contracted with his allies."

His majesty's Message was ordered to be referred to the Committee of Supply on Friday.

[Family of General Sir John Moore.] Lord *Morpeth* rose and observed, that it was a matter of public regret that the female part of that gallant general's family were not provided for in such manner as could be wished; and requested to know whether any measures had been taken for that

purpose, in consequence of what had fallen from the noble lord (Castlereagh) on a former night.

The *Chancellor of the Exchequer* answered, that it was certainly the intention of government to make the kind of provision now alluded to by the noble lord; but on this being intimated to the female part of general Moore's family, they expressed a wish that any provision intended for them might be transferred to a male branch of their family; and it was therefore the intention of his majesty's ministers to recommend that the provision be made for the brother of sir John Moore, whom the rest of the family wished to receive it.

[THIRD REPORT OF THE FINANCE COMMITTEE.] Mr. *Henry Martin* rose, in pursuance of his notice, to call the attention of the house to the contents of the Third Report of the Committee on Public Offices. Though aware, that in bringing this subject under the consideration of parliament, he was but barely doing a duty, yet, if the hon. gent. (Mr. Bankes) who had taken so large a part in framing the Report in the Committee, had shown any disposition to take up the question, or if his majesty's ministers had, since the commencement of the present session, manifested any intention to bring forward any measures with a view to act upon the suggestions of the Report, he should never have thought of interfering with the subject. He should, therefore, be exempt from the odium of bringing forward the subject unseasonably, because the Resolutions which he meant to propose would have a tendency to assist in carrying the Resolutions of that house into effect, and to comply with the recommendations given by his majesty in various Speeches from the throne. The house, in passing the Resolutions to which he adverted, and in appointing the Committee which had made this Report, had given a pledge to the public to prosecute a reform in the public expenditure, so far as was consistent with the public service; for he could not suppose, that the only use, for which Committees were appointed, was to make reports to lie on their table, without leading to any practical reform of the abuses which might be detected. The appointment of the Committee, therefore, was a pledge on the part of the house, that every reform would be promoted which could be effected without detriment to the public expenditure. It would be for the house, then, to see what the Report contained, and to judge how the suggestions it recommended could be acted upon for the public service. The Report referred to pensions, sinecures, offices performed by deputy, and compensations for pensions, the annual amount of which exceeded one million and a half. This was the state of the fact, as appeared from the Report; and as several other offices had not been returned, and the sum inserted in the Report was exclusive of the duchy of Lancaster, which, in the language of Mr. Burke, though not affording a revenue of more than four or five thousand pounds, gave rise to a patronage of fifty thousand pounds, it would be obvious, that this aggregate was under the real amount. He was not prepared to state, that by any measures he could propose, any considerable portion of this sum could be reduced. But when they were hourly called upon to augment the public burthens, when they reflected upon the enormous increase of the public debt within the last six years, they would be convinced that the subject was deserving of the most serious attention, and that it was most desirable, if possible, to make every practicable retrenchment in this expenditure. Of the whole sum, about six hundred and ninety seven thousand seven hundred and forty seven pounds, appeared to him actually necessary; but as to the remainder, he conceived it to be the bounden duty of the house, to inquire what reduction could be made, what retrenchment effected in every part or branch of it. Whatever was necessary for the support of the royal family; whatever was requisite for the comfort and splendour of the different branches of that family; whatever had been secured by parliamentary grant for eminent public services; all this, so long as it was possible to raise it, he considered not only unexceptionable, but actually necessary for the well-being of the state. But when the house recollected, that the whole of the sum so expended was raised by public taxes, or indirect means of revenue, it would feel the propriety of examining into the amount of saving that could be procured on the aggregate amount of this branch of the public expenditure, without injury to the public service. He was ready to admit, and it would appear by the Resolutions with which he meant to conclude, that no great immediate saving, no very sensible alleviation of the public burthens was to be effected. But an essential benefit must result from the effect that would be produced on the public

mind, by shewing that there existed a sincere disposition in that house, to make all the retrenchments that were compatible with the public service. He was not one of those who regulated their public conduct, or would resort to any particular measure, "arbitrio popularis auræ;" but when the wishes of the people were directed to a rational reform of existing abuses, he thought they ought to be attended to. What the wishes of the people were in such a case, when they tended to such a Reform, Mr. Burke had described to be a just and salutary warning to that house.—The right hon. gent. opposite would recollect what had taken place in 1782 on this subject. From that period to the present time, scarce a session had elapsed without the attention of the house having been drawn to the subject. They had had reports regularly from 1786 to 1791, referring to the various branches of the public expenditure; and they had since the Reports of the Committee appointed in 1796, in which the person (the Speaker) whom he had the honour to address, had presided with so much credit to himself, and exerted his talents with so much benefit for the public service; reports drawn up with so much ability, and containing throughout so much political knowledge and sound sense. The Reports of 1797 recommended an enquiry by that house, what retrenchments could be made in this particular branch of the public expenditure. But what had been the consequence? He was ready to admit, that a few offices of the customs had been abolished, yet how much had the remaining suggestions of this Report been neglected, when not a step had been taken to carry them into effect? The Report of 1796 referred to the offices and sinecures in the Courts of Justice, and as it appeared by that Report, the Committee recommended the abolition of offices of that description to the amount of 26,879*l.* per annum. It was curious, too, to remark that lord Hale, that most eminent judicial authority, had also long previously recommended the abolition of such offices. Yet, so far were the suggestions of the Report from having been attended to, that he observed by the return of places granted in reversion, that even since the Report had been presented to the house, one of the offices of the description recommended to be abolished, had been granted in reversion, after the demise of the person at present in possession of it. Parliament, however, had a good opportunity for carrying into effect the recommendations of the Report by the abolition of such offices, when they made a provision for retiring Judges and Chancellors. The provision so made might well have been made the purchase of the patronage of the Judges in the appointment to those offices which were recommended to be abolished. Whoever recollected that the situations of the Judges had been formerly held during pleasure: whoever called to mind that the salaries of the Judges had been, from time to time, increased (though it was not his intention to disapprove of such increase, or to state, that the increase was even sufficient, yet) whoever looked to either of these events, must be sensible that the abolition of these offices might on either occasion have been provided for. The sale of offices in the courts of justice was really a disgrace to the institutions of the country; and, though no abuse had arisen from it, as far as the administration of justice was concerned, yet it was a practice which had better be discontinued. And, therefore, he most earnestly hoped, that the labours of the Finance Committee would prove more effectual than those of any former Committee. He was not vain enough to suppose, that the remedies he had to propose would be effectual to his object; but he trusted that it would be admitted on all hands that some remedies were necessary. One thing was clear, that wherever an abuse was pointed out, a remedy ought, if possible, to be applied. He should, therefore, hardly have thought that there could be any objection to the Resolutions which he was about to submit to the house; so obviously proper upon the bare statement of them, and, though not exactly borne out by the very words of the Report, yet in every respect conformable to its object and spirit, had he not heard that it had been said out of doors (he begged pardon for the irregularity of the allusion) that these sinecure places and pensions were so intimately connected with the prerogatives and rights of the crown, as to form the palladium of the British constitution. When gentlemen considered the enormous increase of the public taxes since the year 1786; when they considered that the army and the navy had been augmented nearly tenfold; when they looked to the existing state of the continent, and contemplated what was likely to be the state of Europe hereafter, when even in the event of peace, we could not return to a small peace establishment;

when they contemplated all these circumstances, it was impossible for them to be of opinion, that the influence of the crown would be materially diminished by the abolition of sinecures. It appeared by the Report, that the whole of the expenditure of the year in 1791, including the militia establishment, (but he admitted upon a peace establishment,) amounted to fifteen millions nine hundred and sixty nine thousand pounds. The expenditure of the last year was 77,800,000*l.* The influence of the crown, in consequence of such an increase of expenditure, could not therefore, be much affected by the abolition of sinecures. There would still remain to the crown the legitimate patronage in the appointment to all situations, naval, military, civil, and judicial. It would still have the appointments connected with the collection of the revenue, and many others which were unknown in former times. Surely, then, it could not be seriously contended that the appointment to these sinecures was at all essential to the stability or the dignity of the regal power. The appointment to sinecures had been represented by Mr. Burke, as "the perennial spring of all prodigality and disorder, which loaded us more than millions of our debt." It was to this part of the Report, that the house was particularly called upon to attend.—Having already stated the amount of the expenditure in sinecures, pensions, &c. he proposed next to consider it under two heads, the one unobjectionable, the other questionable, though it was not his wish to be understood to consider what he represented questionable as altogether objectionable. According to his view, whatever pensions were settled on the different branches of the royal family; whatever pensions were charged upon the consolidated fund, and secured by act of parliament; whatever pensions were charged upon the civil list, and regulated by Mr. Burke's act, should be left altogether out of consideration, as unobjectionable. Of the same description he considered the pensions to officers' widows; the provision for superannuated artificers; and for men retiring from office after long and faithful service; and he should leave them also out of view. The whole amount, under these various heads, was 697,740*l.* in England. As to the sinecures and allowances by way of pensions, and pensions not regulated by Mr. Burke's bill, he considered them as *primâ facie* questionable, and proposed to take a view of them as they existed, first in England, then in Scotland, and afterwards in Ireland. The first of this class of pensions, which he regarded as questionable, came under the head of pensions to foreign ministers. In the year 1787 the amount of these pensions was 9,185*l.* but it was now, as appeared by the Report, as high as 51,689*l.* besides some contingent pensions and others not included in the Report; but whether any others had been granted since the Report was presented, he could not take upon him to state. A great increase had, therefore, taken place under this head. By Mr. Burke's bill it was proposed to reduce the aggregate amount of the pension-list to 60,000*l.* but that limit was afterwards extended to 95,000*l.* so that the pensions to foreign ministers had encreased to more than one half of the whole amount of the pension list, according to the provisions of Mr. Burke's bill. This was a subject which called for the serious attention of the house; and upon this branch of the public expenditure it was his opinion, that a most important retrenchment might in time be effected.—Another class of pensions to which he felt it his duty to call the attention of the house was, that of the pensions arising out of and charged upon the four and a half per cent. duties; with respect to the pensions arising out of those duties, it was not his intention in that instance to submit any specific resolution to the house; but at the same time, if his calling the attention of his majesty's ministers to that part of the subject, should be productive of no measure on their part for applying a remedy in that case, he should then feel it his duty to submit to the house at some future period, the propriety of sending up to the throne, an humble and dutiful Address upon this subject, considering that to be the most respectful mode of proceeding, in all cases where the application related to any interference with the royal prerogative. He would here recal to the house's recollection, the rise of those duties: It would be recollected that, in the first instance, these duties upon the four and a half per cents. had been granted by an Act of the Assembly of the Island of Barbadoes in the year 1663, but at that time those duties were appropriated to colonial purposes, the payment of their civil list establishment: and the internal benefit of the island itself. After the Revolution the application of those duties was extended, and appropriated by parliament in the reign of queen Anne to the civil list ser-

vice of this country. On referring to the 14th volume of the Journals, it would be found that a Petition had been presented to that house from the colonists in Barbadoes, stating the original ground of granting those duties, praying their due appropriation, and for relief, against the pressure occasioned by their recent appropriation. In consequence of that petition, it would appear from that volume of the Journals, that that house sent up an humble Address to her majesty, praying that those duties might be placed as nearly as might be, upon their original grounds, and that they should be omitted in the civil list; and to this address her majesty had graciously replied, "That these duties having been granted specially for particular purposes, should make no part of her civil list." But to prove that the house had a right to interfere on the subject, he referred to the Army Extraordinaries, where they would find provision uniformly made for those services to which these duties had been formerly appropriated. The public had a right, therefore, to these duties as purchasers, having defrayed the expenditure to which they were applied. When the four and a half per cents. had been originally granted, the salaries of the governors and other officers in the government of the island of Barbadoes, were then paid out of those duties, as appeared from the Accounts laid upon the table between the years 1701 and 1740, and not the salaries only but the expences resulting from keeping the respective fortifications, &c. in repair: whereas at present all those estimates were included in the Army Extraordinaries for each year. There was also another ground upon which the application of that house to his majesty upon this subject could not be considered an interference with his royal prerogative. Originally the grant of a pension in 1765 to the late duke of Gloucester, was paid out of the four and a half per cent. duties, but parliament afterwards transferred this grant, amounting to 9000*l.* a year, to the consolidated fund, and it was paid during the remainder of his life, for a number of years, not out of those duties, but out of the consolidated fund, which saving to the four and a half per cent. duties gave parliament a proportionable claim upon those duties, by diminishing in that proportion the charges upon them.—The next class of Pensions which he considered as questionable, and to which he proposed to call the attention of the house, was those issued out of the Treasury Fee Fund, out of the establishments of the different offices, and those created by way of addition to the establishments. These he considered not only questionable but suspicious, not alone from their nature and amount, but from the manner in which they originated; and consequently proper objects of constitutional jealousy, and parliamentary superintendance.—Another head of Pensions which he looked upon as questionable was, that of those granted in the shape of pensions or allowances out of the ordinaries of the navy to retired civil officers and wives of living naval officers. No man could contend that a provision should not be made for officers under such circumstances, but it was the manner in which the thing was done that called for attention. That house had never proved backward to remunerate meritorious officers; they had never refused any application for that purpose. But it was the manner in which that object was now attained that he complained of, as directly leading to abuses; because it enabled the heads of departments to superannuate whom they pleased; not by an order of his majesty in council, not by warrant under the sign manual, but by virtue of a power exercised by the heads of departments, to grant pensions to whoever they thought proper. To correct this practice, therefore, could not be to interfere with the king's prerogative.—There was also a class of pensions granted under the sign manual, which, because greater in amount, was a greater grievance. This class was supported out of the funds produced by the sale of Old Stores. It was impossible that when naval stores had been granted by parliament for the public service, they should ever cease to be the property of the public, or become a source of revenue to his majesty. Upon this head therefore, it was his intention to propose a specific Resolution, in order to prevent in future such a misappropriation of a public fund. It would be quite another question, how the persons now provided for from that fund should be otherwise provided for; but the practice was unconstitutional, and should be put an end to.—There was one head, denominated allowances in the nature of Pensions, which so much resembled pensions, that he could not distinguish them; and if this denomination had been adopted with a view to get rid of the limitation of the pension list imposed by Mr. Burke's bill, he was sure the house would feel the necessity of putting a stop, or at

least of establishing some limit, to the practice. The amount of these pensions, out of the royal bounty, out of the Fee Funds, out of the Ordnance allowance, and out of the Lord Chamberlain's Office, exceeded 56,700*l.* whilst the allowances in the nature of pensions, of the same description charged upon the civil list, amounted to 42,000*l.*, making together nearly 99,000*l*; being more than it was possible to have granted under the provisions of Mr. Burke's bill.—It was barely necessary for him to state the nature and extent of this branch of public expenditure, to convince the house of the propriety of an inquiry how far retrenchment might be practicable.—He came next to a most important head, that of Sinecures and Offices executed by Deputy, which in England alone amounted to 242,355 *l.* per annum. In the colonies particularly those taken from the enemy, there were several which had not been returned, and consequently it was evident that the sum stated in the Report must be less than the actual expenditure under this head. This sum included all the offices under the head of sinecures of offices executed by deputy, and those of the courts of law.—But here he must observe, that it was not his intention to submit any Resolution upon the subject, that could immediately affect the interests of those who held these offices. He could not, however, avoid calling the attention of the house to a passage of a Report which had been made by a Committee upon offices of this description, towards the close of lord North's administration. The passage stated, that where *bona fide* duties were attached to an office, it became a freehold to the possessor if he held it for life, but if he derived a stipend only from the office, without any duty to perform, it could not be considered as a freehold. The Report, too, added, that it was the maxim of our ancestors that when an office became a sinecure, it was in fact vacated. The Report then went on to state, that in such times (a time when the whole of the expenditure of the country did not exceed fifteen millions) it was the duty of parliament to make every possible retrenchment in the public expenditure. Whatever reasons could apply to such times, must apply with double force to the present times.—Thus he had gone through the principal heads to which it was his wish to call the attention of the house upon the subject of Sinecures, Pensions, and Offices executed by Deputy, so far as related to England, and had only to add, that the aggregate of this expenditure, which he classed under the head "objectionable or questionable," amounted to four hundred and twenty four thousand and seventy-three pounds, thirteen shillings, and eleven pence, annually.—With respect to Scotland and Ireland, the amount under the various heads to which he had adverted was of less value, but unquestionably not less deserving the consideration of parliament. The amount of pensions in Scotland was at present 39,704*l.*, but with a view to enable the house to judge of the extent to which it had been carried, he had to state, that at the accession of his present majesty it was of little value, the payment of pensions in that country, not originally exceeding 5,940*l.* He did not find, however, that the increase had been applied to the personal benefit of the sovereign; but still thought the very great increase under this head worthy the attention of that house. The amount of sinecure offices and of offices executed by deputy, was not less than 29,300*l.* Of these he was aware, that some were preserved by the Act of Union, but these were few in number; and every thing he had said with respect to places of that description in England, was applicable to those in Scotland. He did not mean, however, to move any Resolution upon this head, any more than with respect to the pensions out of the four and a half per cents. His wish would be to propose at a future period, an humble Address to his majesty, that he would be graciously pleased not to grant pensions to a larger amount than 600*l.* in any one year in Scotland, until the whole should be reduced to 10,000*l.*, at which it should remain, being double what it was originally; whilst the remainder he should propose to be carried to the Civil List. The total of exceptionable or objectionable charge for Scotland, therefore, including 8,575*l.* for Miscellaneous Services of a doubtful description, amounted to seventy-seven thousand six hundred and nine thousand pounds a year.—As to Ireland, that country was far more fruitful in the amount of pensions and allowances secured by act of parliament. By the Papers on the table, it appeared, that the present amount, under the head of Pensions, exceeded the amount limited by the act by 10,000*l.*; but as it appeared, that by a clause in the act his majesty was autho-

rised to grant to the amount of 1200*l.* in each year in pensions, he feared there could be no remedy for that excess, until an act should be passed to amend the former act. The sum granted as compensation for those who lost offices by the Union was ninety-seven thousand six hundred and sixty-three pounds, thirteen shillings, and four pence. This was well worth the attention of the house, because many of those thus compensated must have held offices during pleasure, and could not have the same claim to compensation with those who held offices for life. —The sinecures and the allowances in the nature of Pensions to those superannuated, had been much increased in Ireland on account of a false interpretation having been put upon the act of parliament; and to such an extent was this carried, that persons who had served for twenty-five years, thought themselves privileged to retire, though then perhaps in the prime of life, in their 45th or 46th years, when they had become fully acquainted with the nature of their office, and were at that very time better able to discharge the duties of it, than they had been at any former period, thus superannuating themselves after they had, as it were, served a sort of an apprenticeship to the duties of the office.—Another circumstance of which he had to complain, with respect to the indiscriminate allowance of compensations was, that they were given not only to those who retired from places and offices held by patent, but to those also who retired from places they had held merely during pleasure; this was not in unison with the true and original principle of such grants, for they were intended to prevent injustice; but what injustice, he would ask, was suffered by the man who holding a place at pleasure was removed at pleasure? He thought it wrong, therefore, so to misapply the public money, by giving it to those who had no claims whatever upon public justice. Hence he thought that the best possible remedy against all such misapplications, would be the publicity of the grants themselves; if they were all publicly given. If no compensation could be given without every circumstance of the grant, nature, and object of it being laid upon the table of that house, they would not have to complain of so many improper grants, and indeed in general, the best remedy against the evil they so often heard complained of in that house under the term *Jobs*, would be publicity in every thing relating to the disposal of the public money.—The whole amount of objectionable or questionable charge for Ireland (including pensions 120,846*l.* 12*s.* 4*d.* compensations for Union 97,663*l.* 13*s.* 4*d.* sinecures and reversons 102,104*l.*) amounted to three hundred and twenty thousand six hundred and fourteen pounds six shillings per annum. He had now mentioned the evils, and he should next state the means by which he proposed to come at the remedies. He had in his hand a series of resolutions, which he would submit to the Committee, in case the house agreed in appointing it:—Here the hon. gent. read those Resolutions, which stated in substance, the urgent necessity at such a period of the strictest economy in the disposal of the public money. That it was not so much the object to abolish certain offices as that the amount of those charges should not exceed the just estimate of the services rendered thereby to the public. That it was desirable that the emoluments of offices appertaining to courts of law should not be permitted to fluctuate or to go beyond their estimate at their first institution. That Mr. Burke's bill had wisely stipulated against the unnecessary creation of places and offices, and that it would be expedient to follow up that stipulation by providing for the annual publicity of all grants of such Places. The learned and hon. gent. then concluded with moving, That his Resolutions do lie upon the table, and that a Committee of the whole house be appointed to take into further consideration the third Report of the Committee of Finance on this day se'nnight.*

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* The following is an Abstract of the Pensions, &c. from the Papers on the table, as referred to in Mr. Martin's Statement:

ENGLAND.—Pensions.

Royal Family, and paid by Act of Parliament out of the Consolidated Fund - -	£.	133,000	0 0
House of Orange, Ditto - -		16,000	0 0
Royal Family, out of Civil List, by Letters of Privy Seal and Sign Manuel - - - - -		162,000	0 0
Ditto, out of Consolidated Fund, by Act of Parliament		72,000	0 0
	£.	383,000	0 0
Floating Pensions for the Princesses, to commence on the demise of his Majesty, 30,000*l.*			
Other Pensions, paid out of			

Mr. *H. Thornton* rose to second the motion. He concurred most cordially in all the Resolutions proposed by the hon. gent.; and, indeed, he was disposed to go beyond the hon. gent, and even the Committee on one point, namely, that relating

the Consolidated Fund, by Act of Parliament (only 4,000*l.* of which contingent)	75,990	14	10
Ditto, on Civil List, under the Regulations of Act 22 G. 3	89,067	13	4
£.	165,058	3	2
Floating Pensions which will become a Charge on the Civil List, 8,471*l.*			
ARMY, &c.			
To Officers' Widows	34,926	6	2
NAVY.			
To Superannuated Officers, including those who have received Wounds in the Service, and the Widows and Children of other Officers, payable on the Ordinary Estimate of the Navy	62,884	0	0
To Master Attendants, &c. Artificers, and persons employed in the Yards	6,306	0	0
ORDNANCE.			
To Officers' Widows, &c.	45,572	17	11
£.	149,689	4	1
Total Unobjectionable Pensions, 697,747*l.* 12*s.* 3*d.*			
PENSIONS OBJECTIONABLE OR QUESTIONABLE.			
Pensions called Allowances from the War-Office	5,640	6	9
Ditto by Pay-master General, Royal Bounty (Officers' Widows not here included)	5,163	6	8
Isle of Man	560	0	0
Gibraltar	692	10	0
Out of Treasury Fee Fund, Civil List and Law Charges, deducting for persons who have died	2,990	0	0
Allowances out of Fee Fund and Messengers' Fund, Foreign Office	2,495	0	0
Additions to the Establishment of the Foreign Office	150	0	0
Paid out of Civil List or other Fund (600*l.* of which is contingent)	1,625	0	0
Allowances out of Home Department	2,172	0	0
Pensions and Allowances out of the Ordinary Estimates of the Navy to retired Civil Officers and Wives of Living Naval Officers (exclusive of Master Shipwrights and other Working Officers employed in the Yards, and not including those lately dead). These payments are lately increased	12,316	16	0
Floating Pensions in the Ordinary of the Navy, 1182*l.* 10*s.* of which is now in a course of payment	182	10	0
Out of Old Stores (not including Widows and Children of Officers, or Pensions for Wounds)	6,828	10	0
Floating Pensions out of Old Stores, 3,851*l.* 10*s.*			
Note—The Payments out of Old Stores, by Sign Manual, amount, exclusive of Bills assigned on the Treasurer of the Navy (which are 43,432*l* 13*s.* 4*d.*) to 29,083*l.* 4*s.* 11*d.* of which 7,059*l.* 10*s.* 6*d.* was in payment of Pensions.			
Payments in aid of Salary to First Lord of the Admiralty	2,000	0	0
Pensions or Allowances at the Tax-Office	1,900	0	0
Compensations, Pensions, and Allowances in the Offices of Master of the Horse and Lord Steward	7,454	19	1
Pensions out of Transport Office	1,100	0	0
Pensions out of Excise and Salt Duties	1,696	6	0
Allowances to suppressed Commissaries	1,966	14	3
Lottery Office Pensions	100	0	0
Pay Office ditto	1,100	0	0
Post Office	591	0	0
Stamp Office	3,080	0	0
Annual Payments from Civil List to Rangers, &c.	10,168	3	3
Allowances out of Ordnance, deducting for Officers' Widows, &c.	15,232	13	0
Pensions added since the Account of those made up to 5th Jan. 1807	3,766	0	0
Allowances under the name of Compensations in the Departments of Lord Chamberlain and Master of the Robes	2,685	10	0
In the Customs	807	0	0
In the Pell Office, for Places abolished	280	0	0
Deputy Surveyor of Woods and Forests, in lieu of an Office in Chatham Barracks	500	0	0
Small Pensions to different Churches and Parishes formerly paid by Paymaster of Pensions, transferred to Exchequer by Act of Parliament	1,753	5	4
To Foreign Ministers	51,689	0	0
(22 G. 3, § 18, Act not to ex-			

to Sinecures; for it would be in the recollection of the house, how the original Report had been altered upon that head. The learned gentleman had adopted the language of the Report, but it was his opinion, that the house ought rather to revise the system, than to content itself with acting upon a principle which had already been recognized. It would be proper to revise the whole question respecting Sinecures, in order to ascertain which it might perhaps be desirable to retain. With a reservation respecting this point, he heartily coincided in all the other Resolutions of the learned gent. The learned gent. had however fallen into some inaccuracies which he rose to set right. The Committee was now employed in correcting some inaccuracies into which it had fallen, by having inserted in the appendix to its Report the gross instead of the net salaries. From the documents he possessed, he computed the gross amount estimated in his first broad and general statement, by the learned gent. at one million and a half, to be 1,400,000*l.* one hundred thousand pounds less than the hon. gent. had made it. But out of this sum of one million four hundred thousand pounds, there were likewise to be deducted various sums, which the hon. and learned gent. had not included in his statement of questionable expenditure, viz. a sum of 34,000*l.* to Officers' Widows, one of 45,000*l.* to the Ordnance Service, and a third of 57,000*l.* towards the Navy Estimates; there was also to be deducted a sum of 8,000*l.* to the First Lord of the Admiralty, and his office, and 13 or 14,000*l.*

tend to those Pensions, provided the persons receiving them do not enjoy some place of Profit from the Crown to the amount of the Pension usually allowed in those cases)			
Contingents ditto, 3,900*l.*			
Paymasters' Poundage out of Army Pensions - - - -	1,746	6	3
(Qu. Whether this Office be not executed by Deputy? and if so, might not a small Salary be allowed in lieu of Poundage?)			
£.	150,437	16	7
OFFICES SINECURE, OR EXECUTED BY DEPUTY.			
Twenty-two out of 36 Sinecure Offices or executed by Deputy (of the Emoluments of the remaining 14 no return has been made) - - - - -	13,791	0	0
Alienation Office and Hanaper, also Sinecures - - -	3,407	11	6
Apothecary General (sinecure) average of 3 years - - -	12,153	5	4
Thirty-six other Offices executed by Deputy in the Exchequer, Customs, Excise, Navy, Pay Office, and Privy Seal - - - - - - -	80,814	0	0
Ditto in Courts of Justice -	97,367	0	0
Note—Marshal of the Admiralty and other Offices omitted, and no Returns from the Courts of Vice-Admiralty abroad, 12 in number.			
Offices of the same nature held for joint lives (Naval Offices of Jamaica not included) but may be subject to some small Deductions - - -	29,813	0	0
£.	242,355	16	10

No Return of the Offices in the West India Islands taken from the enemy.			
Four and a half per Cent. Duty	10,331	0	0
Paid by the Husband of the Duty - - - - - - - -	20,949	0	6
£.	31,280	0	6
Contingent and floating ditto, 5,730*l.*			
Pensions Miscellaneous - -	150,437	16	7
Sinecure Offices held by Deputy, or for Joint Lives -	242,355	16	10
Total Objectionable or Questionable for England - £.	424,073	13	11
SCOTLAND.			
Pensions paid out of the Civil Establishment - - - -	39,704	16	6
Payments for Miscellaneous Services which may be doubtful - - - - - -	8,575	0	0
Sinecure Offices - - - -	1,230	0	0
Ditto executed by Deputy -	28,090	0	0
£.	77,609	16	6
IRELAND.			
Pensions - - - - - - - -	120,846	12	8
Compensation for Union, &c.	97,663	13	4
Sinecure Offices held for two or more Lives, or granted in Reversion - - - - -	102,104	0	0
Total Ireland - £.	320,614	6	0
England -	424,073	13	11
Scotland - -	77,609	16	6
Total Objectionable or Questionable - - - - - £.	822,297	16	5
Unobjectionable - - - -	697,747	12	3
Grand Total - £.	1,520,045	8	8

for defraying the expences of government dispatches, besides other charges which made the aggregate of deductions amount to 200,000*l.* So that altogether a sum of 300,000*l.* ought to be deducted from the first broad statement of the hon. and learned gent. From the remaining 1,200,000*l.* there should likewise be deducted those charges which having been granted by way of compensation for loss of office or for terminable periods, would cease with the lives of the grantees, or the expiration of the terms for which they may have been granted. Upon the best consideration he could give the subject, and the most accurate estimate he could form, it did not appear to him, that the whole of the floating charge of Pensions, &c. properly so called, could be said to exceed half a million a year. Even this, however, was a large sum, and he not only thought that the crown ought to be under restrictions in the disposal of it, but that the specific reasons for the various grants should be regularly laid before the house. The hon. gent. in his statement of Sinecures had also been a little obscure, and had overstated the amount. The total amount was not more than 232,000*l.* including those of the law courts, &c. He wished merely to correct this inaccuracy, while at the same time he expressed his belief that in the sum, whatever it was, a diminution might be made. He agreed in the propriety of giving parliament full information on these subjects annually. The public could no longer be kept in ignorance; and from the diffusion of political knowledge, it was now necessary to have every thing clearly stated, that they might not appear to act from bad grounds and want of information. A regular system of superannuation ought to be adopted, as had been very properly recommended by his hon. friend; and he thought farther, that in such times as the present, it was highly necessary, on account of the increase of political knowledge among the people, and the spirit of enquiry that prevailed, that the most distinct and correct statement of the application of the public money should be afforded the house, as well as communicated out of doors: because since the people would have such information, it was desirable that it should be correct. He expected soon to see before the house the Report of the Committee of Public Expenditure, which he trusted would throw some light on this subject, and afford them farther information.

Mr. *H. Martin*, in explanation, said, that he meant not to affect the sums appropriated to Officers' Widows, or any such charge. He had distinctly stated, in setting out, that he wished those to be laid aside in the consideration to which he was about to call the attention of the house.

The *Chancellor of the Exchequer* returned his thanks to the hon. gent. (Mr. Martin) for his very fair and candid manner of making his statement, and also for allowing the house sufficient time to take the subject fully into their consideration. He was free to confess, that at the time of the meeting of parliament, he had not formed a clear idea, or at all made up his mind respecting many points touched upon by the hon. gent. in his statement. The house would, therefore, not be surprized, that since the meeting of parliament his time was so much occupied with the other important duties of his office that he had not been able to gain new lights on the subject. He should now state, that he had the pleasure of agreeing with the hon. member in many of his points. He agreed also perfectly with what had been said by another hon. member (Mr. Thornton), that the greatest publicity should be given to every question connected with the expenditure of the country, and that the whole of the public accounts ought to be produced in such a form as to be intelligible to every ordinary comprehension. This was the plan which Mr. Pitt always pursued. He contrived to disentangle financial operations from any difficulty, or obscurity, and placed them in that clear and perspicuous light that every common understanding was capable of comprehending them. The observations which the hon. member had made respecting the Superannuation Fund appeared to him perfectly proper, and he entirely coincided with him in the opinion that every branch of the public expenditure ought to be submitted as expeditiously as possible to the consideration and judgment of that house. He agreed with him perfectly about the propriety of keeping the two heads of Navy Pensions and Superannuated Fund distinct. He also agreed with him that the most effectual mode ought to be adopted for carrying the proceeds of old stores to the credit of the public. He coincided with the hon. member in most of the provisions he had suggested, though he was of opinion that there would be much inconvenience, if not an utter impossibility, for parliament to make individual grants to all

those various descriptions of persons necessary to be taken into consideration. The sums might be voted under certain heads, and the individual provided for by the minister on his responsibility to parliament. As for general charges respecting want of economy in the public expenditure, he would say, that he was sure that not only his majesty's present ministers, but any other set of gentlemen who might in future be ministers, would be much better economists of the public purse under the check and superintendance of parliament, than parliament itself would be. As to the office to which he had a reversion, he would most disinterestedly state, that he thought it among the number of those offices which might admit of regulation, according to that principle of parliament which allowed the regulation of the fees and emoluments of an office, when those emoluments far exceeded what was originally intended. He admitted that many offices in the Courts of Justice required regulation, and he was indeed disposed to go a considerable way in support of the ideas of the hon. gentleman. The only thing that he wished to throw out to his consideration was, whether it would be necessary to bring forward this plan in the course of the session, or whether it would not be as well to leave it for the consideration of ministers during the recess, and wait to see how much of it could be carried into effect by ministerial regulations without the necessity of parliamentary enactments.

Lord *H. Petty* coincided in every respect with the Resolutions proposed by his hon. friend, and gave his fullest concurrence to all the sentiments he had expressed in their support. He confessed, that looking to the situation and circumstances in which the Report was drawn up, it would have been more desirable that the right hon. the Chancellor of the Exchequer, had assumed the task, but not having felt that to be his duty, he was glad to find that he was not for that reason averse to the spirit of the regulations suggested, and was sure that he had done no more than justice to his hon. and learned friend, when he ascribed to him that fairness and candour with which he had introduced the measure. It was not from any expectation of great saving that he advocated this measure, or with any view of being able thereby to lessen the burdens of the taxes. As the whole sphere of the pensions, sinecures, and allowances did not amount to more than a fifty-second part of the annual expenditure of this country, and after deducting the allowances to the royal family, would not exceed one 80th part of the expenditure, the house could not be entitled to expect that any great saving could result from the curtailment of this branch of the public expenditure. It was not therefore, on this expectation, but on the principle that, however small the advantage to be derived from the investigation of abuses, the constant attention of the house should be directed to the suppression of such evils, that he agreed to the motion of his hon. and learned friend. After deducting the annuities to the royal family, the amount of pensions, sinecures, &c. amounted to 950,000*l.* This sum was received not for services performing, but performed. If sinecures were not the proper mode of rewarding all services performed, still it was not said that they should be excluded altogether. So, the question should be, to what extent this was the fittest mode, and whether the amount of sums so payable did or did not exceed the value of the service performed. The object of his hon. friend was not that these offices should be done away, but that the amount of them should not be greater than the value of the service rendered to the public. His next object was, that the emoluments of Offices in Courts of Law should not be allowed to fluctuate, and to exceed what was to have been expected when they were originally instituted. Thirdly, to prevent the possible creation of places, as stipulated for by Mr. Burke's bill, by providing for the annual publicity of all circumstances connected with the grants of such places. No where could this privilege be so safely lodged as in the crown; but being so confided, it was proper that an account of the nature and manner of the appointments should be laid before the house, and so become accessible to parliament and to the public at all times. These were the only regulations which could be adopted to keep down this expenditure, and while the house was not guilty of any dereliction of duty, no public body could be better qualified for such a task.—Having said so much, he should reserve, till another opportunity, the entering into minor details. The right hon. the Chancellor of the Exchequer, while he agreed in many things with the hon. and learned mover, had suggested that it would not be necessary for his hon. friend to press the Resolutions he had read, during

the present session. He, however, was of opinion, that if the house approved of the Resolutions, it would be better that they should be put into the form of bills, and if so, that they should, if possible, pass during the present session. He was satisfied the house could not discharge its duty better than by proceeding to carry the principle of these Resolutions into execution. The Resolutions of his hon. friend had his full concurrence; and it gave him satisfaction to see the manner in which they had been met by the house. The motion of his hon. and learned friend only went to follow up the regulations which had been acted on since the year 1782, by which all the public offices had been regulated, and a diminution of one half of the objectionable expences had been accomplished. He stated this to shew that the present was no new theory. Out of an expenditure of 80 millions annually, it was to be expected that excesses and abuses would spring. But any sum, however, if given away without any justifiable ground, was an evil that called for remedy; and every increase of influence on the part of the crown, obtained by such means, at however small an expence, could not be too much guarded against by parliament. The public had a right also, he contended, to be made acquainted with the application of the public money, and to be convinced that every effort was made on the part of that house to prevent unnecessary expence. This species of expence, too, had a constant tendency to increase, which made it more the duty of that house to check, and keep it within due bounds. He did not believe it to be the intention of his hon. friend to hurry the measure, but should the house adopt the Resolutions, it would be for them to consider whether they would pass the bills during the present session, or delay acting on them till next session. For his own part, however, he saw no good to be derived from delay, and thought the house could not do better than carry the regulations proposed into effect, with as little loss of time as possible.

Mr. *Rose* was satisfied there could be but one sentiment in the house on such a subject. Whether the Resolutions proposed by the hon. and learned gentleman were carried through the house, in the form of Bills, however, during the present session, could not, he conceived be of great importance. The entering them on the Journals as Resolutions of the house would have the same effect, as it was not to be supposed that any minister would take upon him to act in opposition to such a declaration of the opinion of the house. Before he should set down he begged to correct a mis-statement with regard to the four and a half per cent. duty. On an average for ten years it had been found to produce 20,000*l.* per annum, and was charged with 28,000*l.* per ann. to the Duke of Gloucester. In order to relieve this fund from so great an overcharge, his royal highness's allowance had been removed to the Consolidated fund; but the $4\frac{1}{2}$ per cent. duty was not in consequence applied to the uses of the crown. He noticed the difference between the gross and nett statements of salary, &c. A relation of his held an office estimated at 2,400*l.* per annum while in fact it netted no more than 400*l.* the 2,000*l.* being paid for stamps, &c. He concluded by thanking the hon. and learned gent. for the motion he had submitted to the house.

Mr. *Creevey* said, he did not rise to object to the Resolutions of his hon. and learned friend, but to claim to himself the right of going beyond them on a future occasion by other resolutions of his own. His hon. and learned friend had been much too tender upon the subject of the $4\frac{1}{2}$ per cent. toward Inland duties, considering them as private property of the crown, and disposable at its pleasure. For his part, he was convinced this fund was public property, and ought not to have been used as it had been. It was excepted by name out of the royal revenue by the first act of queen Anne, and again by the acts on the accession of George the first and second; and on the accession of his present majesty it was not specified amongst the small hereditary revenues then given up, for a very good reason, because it had long been alienated from the crown. Through the whole of the last century to the few remaining years of it, this fund had been considered as public property. Lord Grenville, as chairman of a committee of that house, returned it amongst the public revenue of the country in 1786. Lord Harrowby (then Mr. Ryder), did the same in 1791. It was in 1797 that the Finance Committee, for the first time, raised a doubt about it; and from that time Mr. Pitt's government, which till then had treated this fund as public property, immediately cut and carved it up in pensions to an enormous amount, amongst Mr. Pitt's private and political connections,

men, women and children. Never fund was so abused, and in no case more strikingly than in that of Mr. Long; the Civil List act of Mr. Burke had enacted, that no person other than a prince of the blood, or upon a recommendation of either house of parliament, should have a pension exceeding 1,200*l.* per annum, and yet Mr. Long, a subordinate officer of the government, had been helped to a pension of 1,500*l.* per annum, at the same time that he held an office of 2,000*l.* per annum, and had a house likewise furnished him by the state; all these things respecting the four and a half per cent. duties, and the particular pensions upon them, Mr. Creevey said he should bring forward before the session closed. On the subject of patent places, he could not see why those two which had belonged to lords Bute and Sondes should have been abolished, and those which were held by the marquis of Buckingham, lords Grenville and Arden, were suffered to continue.

Mr. *Biddulph* was sorry that any thing should have occurred to induce gentlemen on the other side of the house to suppose that there was no necessity for carrying these Resolutions into effect during the present session. If one million could be saved on the whole expenditure of the country he should esteem it nothing; but if 100,000*l.* could be saved in any one department of the expenditure, that he should think a great deal. If services were to be rewarded, he thought sinecures the very worst mode of rewarding them. He wished, therefore that sinecures should be done away, and that public services should be rewarded in a manner not liable to be misunderstood. He hoped the house would not degenerate into listlessness and inattention on such a subject, but would carry their ideas into effect during the present session of parliament.

Mr. *Peter Moore* said he had never till lately understood that sums voted by parliament were for any other than public services. All others he conceived misapplications of the public money. The 95,000*l.* under Mr. Burke's act he esteemed sacred, but all beyond that sum he conceived to be illegal; and, in the committee, he should move that all such excess should be expunged and disallowed, as an imposition on the public. A noble lord had said it would be no relief to the people. This he denied; it would be Mexico and Peru to them. He thought that it would be much better that every separate care of public service should come distinctly before the consideration of the house, as he was convinced that money grants would then be rejected with the utmost indignation that are now conferred without any notice being taken of them. As to the fondness that now prevailed for pensions and sinecures, he could not avoid relating an anecdote:—A French nobleman had once expressed a fear to him that the Red Book of England would be as ominous as the *livre rouge* of France. Such was the strange ambition which formerly prevailed in France, that many noblemen would consider themselves more highly honoured in having a pension of a few thousand livres from the gift of the king, than in as many thousand louis d'ors from their own estates. He feared that in England, too, it was now considered honourable to have pensions and sinecures from the public money.

The question was then put, and carried unanimously, that the Report of the Committee should be taken into consideration this day se'nnight.

HOUSE OF LORDS.

Tuesday, May 9.

[KING'S MESSAGE RESPECTING PORTUGAL.] Upon the order of the day being read for taking his majesty's Message into consideration;

The Earl of *Liverpool* rose for the purpose of moving an humble Address, expressing the thanks of that house to his majesty for the communication of his most gracious Message. There was no necessity for his taking up much of their lordships' time in shewing the propriety of granting a loan of 600,000*l.* to his royal highness the prince Regent of Portugal. He would call to their lordships' recollection, that when the unfortunate change of affairs obliged the prince Regent to quit his hereditary dominions, and seek an asylum on the continent of America, his majesty's government thought it wise and prudent to give every encouragement to so magnanimous an undertaking. His royal highness had to convey the whole of his family, and a great part of those who formed the court of Lisbon, and for this purpose it was thought expedient to grant from this country the sum of 80,000*l.* It had been certainly granted without a direct application to parliament, because there was no session at the time, and had been afterwards considered among the

Army Extraordinaries. The result of the Portuguese court emigrating to a distant country, naturally induced many others to follow them to their new residence; and for still further aiding this loyal spirit of the Portuguese, another sum was at that time advanced of about 80,000*l.* making in the whole 160,000*l.* It was for the purpose of enabling his royal highness to repay those sums which had been expended in his behalf, and of enabling him to meet those difficulties which attended him in the Brazils, that his majesty had been induced to agree, that the loan should be granted. The Prince Regent on all occasions had most signally manifested himself the faithful ally of Great Britain. He would not detain the time of the house by any further observation, but should move, "That an humble Address be presented to his majesty, thanking him for his most gracious communication, and assuring his majesty this house will readily comply with the request his majesty had condescended to communicate for the purpose of being better enabled to perform any stipulation which his majesty had thought proper to make with his royal highness the Prince Regent of Portugal."

The Duke of *Norfolk* said, he did not rise with the intention of proposing any objection in the way of this loan being granted to the Prince Regent of Portugal. A prince who on all occasions had shewn himself a true friend and faithful ally to this country, was deserving of every assistance, when dire necessity enforced him to quit his hereditary dominions, and seek refuge in another quarter of the globe. Had the loan been greater than 600,000*l.* no opposition would have proceeded from him, after he had heard the explanation given by the noble secretary. But on this occasion he was induced to express his opinion as an individual, of those loans which rumour informed him were in contemplation. He had not authority for saying, but there was little doubt further assistance would be extended to the efforts of the inhabitants of the peninsula against the unjust aggression of the French emperor. With respect to the Portuguese government now on the continent of America; he trusted their dynasty would never again return to the Tagus, and that the governments of the peninsula would never regain their American dominions, because the government of Portugal, in its present situation, might become independent of the over-ruling power of Europe, and would produce solid advantage to ourselves, by increasing the trade and commerce of Great Britain. If the power of France should succeed in her present schemes of aggrandisement, the destruction of Austria, and the subjugation of the peninsula, still it would be in our power to carry on the war with her, till a satisfactory peace could be obtained. It would be highly requisite to guard our possessions in the East. That expeditions were about to be sent out was certain, and it was not regular for him to put any question to his majesty's ministers, as to their destination; but if it were in contemplation to give further assistance to the Spaniards, and the Portuguese, he could not, although the noble secretary might rank him with one of the most extraordinary men in the kingdom, approve of such a disposal of our blood and treasure. No man more than himself lamented the fate of the peninsula; no man more admired the courage and exertion of every Spaniard who tried to regain the independence of his king and his country. But it would be recollected the king, for whom they fought, was now in the custody of the French emperor; and their own power was weak, while that of their enemy was mighty and formidable. The assistance which could be granted by this country was so inconsiderable in the scale, that it could produce no ultimate good to the cause of those we assisted; and he was apprehensive, in sending out generals and armies to that part of Europe, they would be in danger of sharing the fate of those who preceded them. The cause of Spain and of Portugal was that of an injured people, but it was that of a people comparatively weak fighting against a power of the greatest strength; and, however we might lament the contest on their side must eventually be unsuccessful, we ought not, in these times, to send out our men and money in the cause of other nations, where all our efforts must be in vain. We ought rather to guard ourselves against the overbearing power of the continent. No doubt could exist of a disposition on the part of the ruler of France to destroy this country, and after he had accomplished his designs on the continent, and could then find means, with thousands of his army, to invade our shores, and should be successful, he would not deal with this country as he had done with others, he would lay waste every thing before him, and scarcely leave one stone

upon another; because he would be well aware he could not long keep this country under his subjection. The noble duke concluded by observing, that, as an individual, he had taken this opportunity of expressing his sentiments upon the subject of our giving assistance to the cause of Spain and Portugal.

The Earl of *Buckinghamshire* had no intention of opposing the proposed Address, but he thought that on the late occasions when questions of such considerable importance had been brought under the consideration of the house, there was not sufficient elucidation given, as to the propriety of the measure. He did not concur with those sentiments expressed by the noble duke, and which breathed so much despondency as to the cause of Spain and Portugal; he trusted he could perceive grounds for entertaining better hopes. The noble Secretary had mentioned the former grant of 80,000*l.* and he should wish to enquire if that sum had been granted by lord Strangford? He also wished to be informed as to the nature of the convention mentioned in his majesty's Message.

The Earl of *Liverpool* said, that at the time of the Portuguese emigration an advance of money had been made by lord Strangford, and the convention alluded to was one which had been agreed upon in this country, between his majesty's Secretary and the ambassador of his royal highness.

The Address was then agreed to unanimously.

[MILITIA COMPLETION BILL.] Upon the order of the day being read, for the second reading of this bill,

The Earl of *Liverpool* observed, there would not be great occasion for his entering into a detail of the principle and provisions of the bill upon the table. The principle was the same with that of other acts of parliament which had passed for augmenting the militia. On account of the late volunteering of the militia into a more regular and disposable force, the regiments had been considerably diminished in their numbers, and it became necessary that those vacancies should be speedily supplied. In the regular course, this deficiency would have been supplied by ballot in the different counties; but as that mode in the present times might be considered rather hard upon that class, on whom the ballot would immediately fall, it had been thought advisable, by the present bill, to enable each regiment of militia to supply their deficiencies by enlistment for a limited time; and after that period, if it should turn out that this mode had not been successful, it would then be necessary to recur to the old and regular method of ballot. This provision would be attended with considerable advantage to those who would have been liable under the former militia acts, and would cast the burthen and expence more equally upon the public. The noble earl, after shortly explaining the nature of the bill, expressed himself as having no apprehension of its meeting with any objection from their lordships.

Earl *Fitzwilliam* said, he so far approved of the bill, as containing a provision, that in completing the deficiencies of the militia establishment, the burthen and expence were to be removed from the counties, and laid upon the public. But he expressed considerable regret, that the principle of the militia had in modern times been so much departed from, and that the militia regiments should have been made a recruiting, or perhaps, if he might use the expression, a crimping fund for the supply of the regular army. He did not particularly direct his observations to the bill before them, but it was with regret he saw the militia more and more altered from those principles upon which that force was first established.

Lord *Harrowby* defended the measures which had been resorted to in regard to the militia establishment of the country. He was induced to express his sentiments upon the present occasion, because he conceived himself in justice bound to do so in opposition to the arguments urged from such a respectable authority as that of the noble earl who spoke. He considered the expression used by that noble earl as too severe and degrading; for whatever might be justly felt by those who took a pride in the discipline of their own regiments, they could have but one ultimate desire, that of forming them to be the most useful for their country. If, therefore, they rendered them fit for immediate service, and for entering a more regular and disposable force, their exertions ought to be more satisfactory to themselves, when these men volunteered into the regular army. For his own part, he had several years been a captain in the militia; and although not so high, or perhaps so interested in the service, as the noble lord opposite, he always felt a considerable par-

tiality for that kind of force; yet he must say, the measures which had been resorted to for the supply of the regular army, did not incur his disapprobation without altering his former opinions on the subject. His lordship then took a view of the principle of the old militia acts, and shewed there was no alteration adopted in the present instance, which did not accord with the principle of past alterations.

The Marquis of *Douglas* concurred in what had been stated by the noble earl (Fitzwilliam,) nor did he think the expression alluded to at all too severe. It correctly described the mode resorted to of recruiting the regular army out of the militia establishment of the country. Whatever consideration might be paid to the other species of force, so much supported by the sacrifice of the militia, he could wish the house to recollect, that perhaps the time was not far distant when we should stand most in need of an internal force adequate to resist the attack of an invading enemy. The disposable force of the country, so much attended to, might be employed in expeditions, when the country would at length, and that probably very soon, feel the great want of an effective and internal force for its own preservation.—Looking at the late achievements of our army abroad, he would have been as ready as any man to have praised the valour and courage displayed; but when he recollected the Convention, he felt too much as a Briton not to lament the purposes for which that army had been employed.

The Earl of *Westmoreland* contended there was nothing objectionable in the provisions of modern times respecting the militia. If the old principle had been attended to, and the men had only served for three, four, or seven years, and at that period they had returned from the service, the noble lords would have found themselves without those men who had been so carefully taught their discipline. He trusted, out of that house they were more disposed to give assistance to the bill being carried into execution, and that their regiments would be the most forward; but if their language in that house were to be attended to, no such consequences could be expected. That army which had displayed its superiority on the Tagus, and which, afterwards, amidst the greatest difficulties, embarked with honour and glory, was composed of men chiefly taken from regiments of militia, and he was induced to approve of such a system as strengthened the most useful force of the country.

The Earl of *Hardwicke* declined entering into those topics, which, in his opinion, had been irrelevantly introduced into the discussion on the merits of the present bill. But he would call the attention of the noble secretary to the preamble of the bill, where it was said the men should be raised by the beat of the drum. He conceived this a deviation from the principle of the militia, and from the principle of all former bills. He hoped he should be excused for troubling the house with any observation, as he had not been present at the commencement of this discussion.

The Earl of *Liverpool* said, if the noble earl had been present, he would have heard his explanation of that part of the bill. His lordship here stated the purport of what he had before expressed on the reason of providing that the men might be raised by way of enlistment for a limited time. In reply to the arguments of other noble lords, he argued, that, without any interference, after a man had learned his duty as a soldier, he would naturally be disposed to continue his services by going into a superior force.

The Earl of *Rosslyn* considered there was one objection to the present bill, which had not been mentioned in the course of the debate. It pretended to raise the men for the completion of the militia, by taking the burthen off from the counties, and laying it upon the public; this was a false pretence, for it would do no such thing. The bill provided the men might be raised by enlistment, at a bounty of twelve guineas, any time before June, 1810; and if the quota should not be raised before that period, it is then provided the ancient method of ballot should be resorted to; so that all deficiencies should be supplied before the October following. Of course it was well known there was 20*l.* fine on the man ballotted, and 10*l.* more was permitted by way of bounty; and if it should happen the substitute was not procured before October, there was an additional fine of 40*l.* on the county, so that it must be evident the bounty after June would be from 30*l.* to 70*l.* a man; whereas before June it could be no more than twelve guineas. The consequence, from the nature of human reasoning, must be, every man would decline accepting the bounty for enlistment, knowing it would be much better for his interest to wait till this period should elapse. It was on this ground he

felt particularly hostile to the bill, because it pretended to do that which his majesty's ministers must be convinced of themselves it could never effect.

The Earl of *Selkirk* observed, that the most favourable point of view in which he saw the present measure, was from what had fallen from the noble earl who had just sat down, that it was not likely to effect what it pretended to do, the completion of the militia establishment. The present establishment was, in his mind, so radically wrong, that he had no desire to witness its completion.

The Bill was then read a second time.

HOUSE OF COMMONS.

Tuesday, May 9.

[CONDUCT OF AFFAIRS IN SPAIN.] Earl *Temple*, in rising to submit the motion of which he had given notice, observed, that, now the cabinet ministers had laid all the documents upon the table, on which they wished the house to decide upon their conduct, in the management of the most important trust that had ever been confided to any ministers, in direction of the most powerful resources which had at any period of our history been placed at the disposal of the government, for the purpose of assisting to promote the greatest object that had ever, in modern times, been presented for accomplishment, he conceived it to be his duty to call upon parliament for a distinct opinion upon the case: and though he should be short in what he had to say, yet he felt that he should stand in need of the whole indulgence of the house. Whilst they had to lament that the efforts of the country had failed in the course of the campaign, they had, in the documents before the house, enough to satisfy them, that such failure was not attributable to those, to whom the immediate conduct of its operations had been confided. Upon these, that house had already conferred the highest honour which it was possible for a grateful country to bestow. To those, too, who fell in the contest, they had raised the proudest monument, the most lasting and enviable memorial, that a just sense of the most distinguished merit could dictate, or the most eminent services deserve. On the conduct of such persons, therefore, the house was not in this instance, to pronounce judgment. They were to decide upon those persons only whose incapacity and misconduct were the cause why even British valour had failed of success; why the energies of freedom, and the spirit of freemen, had been ineffectual in the arduous contest in which the country had engaged—by whose misconduct, the last brilliant spark that lingered of the spirit of Europe, had been stifled and extinguished. It was not to the army, then, that they were to look for the cause of the failure, nor to the commander in chief of that army; for upon him they had bestowed the proudest monument of his conduct whilst living, and most exalted tribute to his memory when dead. And justly had they done so. Had they neglected thus to record the memory of his splendid services, they would have left to the enemy the grateful office of rearing a monument to his illustrious fame, on that field in which he gloriously fell in battle at the moment of victory, whilst combating under disadvantages against a superior force. But it was not to the cold marble; to the still honours of the tomb; to the lifeless monument which may have been erected, or to the distinguished inscription it may bear, that they were to look for the character of sir John Moore. His monument was the ground upon which he fell. That it was which bore the brightest testimony to his immortal fame. But he had a still more enviable living monument in the breasts of those brave troops, among whom as he had ever fondly lived, so he had bravely terminated his glorious career. It was not to his actions, then, that they were to look for the cause of those disasters which had unfortunately attended the progress of the campaign; over his actions the tomb had closed, and who should venture, with unhallowed hands, to tear open the sanctuary of the tomb? Who should dare to rake up the ashes of the illustrious dead, for the purpose of patching up a lame and impotent justification for the errors, incapacity, and misconduct of the guilty living? If any attempt of that description should be made, he trusted, that the house, in justice to the memory of that illustrious officer, and the generous feelings of his grateful countrymen, would treat it with merited reprobation. But when acquitting the general and his brave army of any share of blame for the unfortunate issue of the campaign, the house must bear in mind, that there were two other parties to the transactions: his majesty's ministers, who had directed the operations of the campaign, and the allies at whose solicitation

it had been entered upon: those allies, with whom his majesty's ministers, when they knew all the extent of the calamities in Spain, but the fatal consequences of the affair at Corunna, had concluded a treaty of alliance, without stipulating any one condition of reciprocity in favour of this country;—a treaty by which we had bound ourselves to wage war for them, and to acknowledge the sovereignty of any man they might elevate to the throne, even should the supreme power be vested in the hands of him against whom we were now fighting;—a treaty unexampled in the annals of European diplomacy. But they were not then to discuss the merits of that treaty, nor whether it was not right that this country should have afforded all the assistance which her means enabled her in the support of the Spanish cause. If these allies were incapable by their own councils to guard their own interests, his majesty's ministers should not have submitted to them the direction of ours, nor concluded such an alliance under such circumstances: it was not to these allies, then, that the house was to look as the source of the disasters which had befallen us. There was indeed, one excuse which might be urged in defence of his majesty's ministers; that the disasters which took place had been the result of events which it was not within the compass of human power to resist, which no foresight could anticipate; no possible combination guard against. But, if he could demonstrate that they had been the inevitable consequence of their incapacity and mismanagement; if he could prove that these disasters had arisen from any other cause, and this he pledged himself to do from the documents they had themselves produced, then their excuse would fall to the ground. If blame attached any where, it was either to them, or to our allies; and ministers were so circumstanced, that they could not undertake to justify themselves, unless by an attack upon these allies, or their own friends. If so, he should leave it to the country and to the world to decide what credit ought to be given to those who, after having so conducted, should so defend themselves. After the hurricane, that had laid Europe prostrate, had nearly completed and confirmed the destruction of the nations of the continent; when the clouds that accompanied it were even bearing towards our own shores, the Spanish revolution presented a bright and unexpected gleam of hope and restoration, not like the meteor which shines with temporary splendour, but like the clear and steady ray that is the harbinger of an opening auspicious dawn; not like the volcano which spreads terror, ruin, and desolation around, but like that heavenly fire which cheers the gloom of despair, and lights the way over the wilderness. Then a new day-star seemed to have arisen, the auspicious omen of deliverance to Europe;—and but one wish pervaded the country—to promote the generous cause; but one regret was felt—that we could not all participate in the glorious struggle. When under such circumstances his majesty's ministers undertook to assist Spain, if there had been any man in the country base enough to regret that the task had not been left to their political opponents, or to wish, from such a feeling, that the sanguine prospects then contemplated should terminate in disappointment, his revenge was complete. The first act of this unfortunate campaign consisted in the expedition to Portugal—that specimen of the noble lord's power of combination, in which general had been sent after general, in such unaccountable but rapid succession, when neither was acquainted with the plans or instructions of the other, and when the manner in which the whole had been concerted and executed had made us a mockery even to the enemy whom we had beaten. This was the first effort of his majesty's ministers; the second was the direction of the British army towards Spain. And here he must observe, that those who could not justify, but wished to excuse the Convention of Cintra, founded their excuse upon the necessity of expdeiting the march of the British army to Spain. Even sir A. Wellesley had asserted that if the army had been detained by the prosecution of military operations against the enemy in Portugal, it could not be ready to march into Spain before December. Yet it was somewhat curious to find, that, notwithstanding that very Convention, which was thus justified on the ground of expediting the march of the British army into Spain, it was not till that very December that the British army was able to act, in Spain. Thus it appeared, that what was apprehended as the consequence of protracted warfare in Portugal, had actually resulted from the inactivity, the want of all energy, and the gross want of foresight, on the part of his majesty's ministers. By this they had shewn, that they were

as little capable of gathering the bright harvest of laurels arising from conquest, as they were of gleaning benefit by experience from the barren field of disaster. The only proof they had given of their vigour, was the conveyance of 22,000 French troops from Portugal, to a port of France much nearer for their co-operation with the French army in Spain. If Spain was to have been the ultimate object of the expedition, Portugal was not the point to which it should first have been directed; because Junot, who had no means of sending troops to suppress an insurrection at Badajoz, as appeared by the intercepted dispatches, could not march to the assistance of the French in Spain; and if our expedition had been sent directly to Spain, we might afterwards have accomplished our object in Portugal, without the blood it had cost in the actual accomplishment. The British army might have been more beneficially employed, conjointly with our maritime force, on the flanks of Spain, in Catalonia and in Biscay, where it might have occupied Barcelona and St. Sebastian, in which case it might have prevented the escape of Joseph Buonaparté from Spain; or the British troops should have been sent to the south of Spain, where they might have taken post with the Sierra Morena in their front, the Guadalquiver on one flank, and the arsenal and fortress of Cadiz in their rear, besides our own impregnable position at Gibraltar. It appeared that ministers had sent the army to the south when they ought to have sent it to the north, and to the north when they should have sent it to the south. His object, therefore, was to prove, as he should do satisfactorily from the papers on the table, that they had shewn themselves unable to execute even their own projects. They seemed to have been altogether inattentive to the situation of affairs in Spain, until the occasion had gone by for promoting her cause with any prospect of success. So early as May, applications for assistance had been made by some of the provinces; Dupont had surrendered in July, and about the 1st of August Joseph Buonaparté had been obliged to withdraw from Madrid. On the 4th September, too, the emperor Napoleon, not disguising his views, had declared, in his message to his senate, his intention to conquer Spain, and thanked his God, his fortune, and his star, that the madness of the British cabinet had sent an army to encounter him in that country. The French ruler then poured in his troops, in one continual uninterrupted stream, from the Rhine and the Vistula, into Spain. It was not, however, till September, that his majesty's ministers first communicated their intention to sir Hew Dalrymple to march a British force into Spain. If they had been deceived by diminished statements of the French force, and exaggerated accounts of the Spanish armies received from Spain, they might have had some excuse for their conduct at that period; but the contrary was the fact, as appeared from the first dispatches from lord William Bentinck, of which ministers were in possession before they ordered any troops to proceed to Spain. They had equally correct information in the dispatch of general Broderick. There were only two men, Morla, who had sold the Spanish cause, and Buonaparté, who resolved on the conquest of Spain, who could wish an English army at that precise period to advance into Spain under the actual circumstances; that Morla, whose intrigues for the surrender of Cadiz, and the fleet and arsenal, to the French, were now well known, and who had shewn an invincible jealousy against the presence in the south of Spain of a British force which might watch, and be a check upon, his traiterous motions.—Lord William Bentinck, in his first dispatch, stated that the Spanish armies were disorganized; that the Spanish government had not taken the first and most necessary step of placing them under the command of one general, and that they were all separated, and the several corps inferior to the divisions opposed to them by the French. Such was the account which lord W. Bentinck gave, and it was confirmed by that of general Broderick. There was, therefore, no one account in which ministers could plead even the miserable and lame excuse of having been deceived by those whom they employed. But notwithstanding the warning which had been given by Buonaparté of his intentions respecting Spain in the early part of September, and though the British army had been completely released in Portugal, it was not till the 26th of September, that lord Castlereagh wrote to sir Hew Dalrymple to prepare the army to advance into Spain, or to sir John Moore to place himself at its head. On the 28th, orders were sent to sir David Baird to proceed from an English port to Corunna. Yet it was not till the 14th of October (the day after he arrived there) that lord W. Bentinck, at

Madrid, was made acquainted by a courier from sir John Moore, with the circumstance of its being the intention of government to send sir David Baird to Corunna. General Leith, it appeared, received orders about the same time to prepare for the reception of the British force at Corunna, but to make his preparations as secretly as possible. What could have been the meaning of such an injunction? Was the noble Secretary afraid of rousing the Spaniards or gratifying their feelings by rendering notorious the arrival of a large auxiliary force. He wished perhaps to

"Do good by stealth, and blush'd to find it fame."

It did not please the noble Secretary previously to apprize the Spanish people of the blessings he intended for them, but suddenly to surprize them with his kindness. His kindness, however, was very incomplete. For, lest the combination of errors, incapacity, and mis-management, should not be carried to its fullest extent; cavalry, that arm upon which the result of the whole campaign was to depend; cavalry, which every commanding officer they had employed, and every Spanish officer that applied to them, had called for; cavalry, which lord William Bentinck, general Broderick, the Spanish Deputies, sir J. Moore, and that other great military authority Mr. Frere, thought most essential; cavalry was the very last thing that ministers thought proper to turn their attention to. Although they found sir John Moore saying, that with 7,000 or 8,000 cavalry, he could have done much in that country effectually to withstand the enemy; yet the noble lord opposite writes to him, that it would be time enough to send cavalry when he had sent the transports back from the Tagus to Great Britain, and that, too, at that time of the year when such a voyage was likely to be protracted by an inconvenient season. One would have thought that ministers would have been most anxious to shew an activity in the conveyance of cavalry beyond all other species of force; because it must be in the recollection of the house, that when the noble lord came into office, he made a charge against former ministers, for not having prepared cavalry transports. But the noble lord, who was so anxious to burthen the country for the multiplication of cavalry transports, when unnecessary, could find none, when the public service called for them. No doubt the noble Secretary could say a great deal upon this subject, as to the expence, amount of tonnage, &c. and had his pockets stuffed with calculations of that description. But the arrangements of his majesty's ministers had been of a piece and perfectly consistent throughout. About the same time sir David Baird was directed to send his transports to the Tagus to convey the infantry which they supposed sir John Moore might wish to dispatch from Lisbon to Corunna; thus so curiously did they dovetail their combinations, that transports were to be sent in October from Corunna to the Tagus for infantry, while transports were to come from the Tagus to England for cavalry, before we could have an effective army in Spain; in that country, which so early as May we had been earnestly solicited to assist. When the determination to send a British force to Corunna had been formed, one would have thought that ministers would have paved the way for its landing at that port. But no such thing: no communication had been previously made to our commissioners; no arrangement entered into with the Junta of government; and sir David Baird at his arrival at Corunna not only found himself without money to pay his army, but was actually refused permission to land by the Junta of Gallicia. When at length the army was permitted to land, the last division did not enter Corunna till the 8th of November, only two days before two of the Spanish armies had been annihilated, and twenty-four before Buonaparté entered Madrid. No information had been previously sent even to lord William Bentinck, as to the destination of the army of general Baird, and upon this point he had remonstrated. But, to shew that the noble lord had not a patent for want of information and want of foresight, Mr. Secretary Cooke, who replied to this remonstrance, stated, that government had had no reason to believe, from captain Kennedy's letters, that there would have been any difficulty as to the landing of the army; and yet, strange to state, on the very day this answer was dated, Mr. Secretary Cooke had received a letter from captain Kennedy, stating the difficulty that the Junta would place in the way of the landing of the army. How different was the conduct of the enemy! Buonaparté always flew to his object upon the wings of the eagle; whilst the noble lord crept upon the back of a tortoise to oppose him. And lest the eyes of Europe should not be open to the tardy character of his measures, the noble

lord, as appeared by one of the documents upon the table, started suddenly from his freezing career, and abandoned for the moment the snail-like sinuosities of his course: for on the 2nd of November, the noble lord wrote to sir John Moore that some mighty exertion was to be made for Spain, and that Buonaparté's preparations were only to be met by correspondent efforts; and this he wrote on the day that Buonaparté commenced his career on the Ebro with 120,000 men; and only a few days before all the Spanish armies were destroyed. The disembarkation of the troops under sir David Baird did not commence before the 26th of October, and before the whole of his army was landed, the French had acquired such an ascendancy in Spain as to render the success of the campaign hopeless upon our part. But it was not alone the want of wise arrangement or of judicious combination in their military measures, that proved the misconduct and incapacity of ministers; they shewed themselves equally culpable and no less incompetent in having sent sir John Moore upon this arduous and important service without any settled plan of operations. The noble lord, indeed, (Castlereagh) wrote to him on the 26th of September, telling him that he would be in great good time; that he should himself try to form a plan, and that he could consult upon that subject with the Spanish general. It was not till the 14th of November, however, that the noble lord began to recollect himself in his office in Downing-street, that something like a plan was necessary. He then wrote to sir John Moore on the necessity of adopting a plan from the situation in which he would then find himself, but yet without suggesting any thing as to the amount and situation of the Spanish armies with which sir J. Moore was directed to act. The only plan suggested by the noble lord was, that if he (sir J. Moore) found the Spanish armies headed by one individual, he should place himself under his command, and on the contrary, if under the command of many, he should act in concert with the officers commanding the armies in his neighbourhood. In this communication of the noble lord, the most important part was that which required sir J. Moore to place himself under the commander who might then be entrusted with the conduct of the Spanish armies.—There were many instances on record of British troops serving under foreign officers; their names, however, were always known before-hand, and they were well ascertained previously to be men of established reputation. He was prepared to admit too, that there were still in Europe many foreign officers, under whom a British army might be safely and successfully employed. But this was the first instance of a British army being sent on a foreign service, and ordered to be put under the command of any person, whoever he might be, who should chance to be at the head of a foreign army. It would be fresh in the recollection of hon. gentlemen, that in the administration of Mr. Addington, when a charge had been made against ministers of having not done sufficient for Portugal at that period, it was answered by the present lord Liverpool, that the Portuguese would not in the first instance agree to put themselves under an officer even of known abilities; and this answer was received by the opposition as a sufficient excuse. The instruction therefore given by the noble lord to sir John Moore, to place himself under the command of any general that might be appointed to the command in chief of the Spanish armies, though he was only to act in concert and communication with the Spanish generals if they commanded separately, was a most extraordinary measure. The times of revolution usually raised up men to such stations who were often not competent to fill them. It was by such a popular impulse that Castanos had been removed from the head of the army in order to appoint the duke del Infantado; and Don Palafox raised to the command in chief in Arragon. The merit of these two illustrious individuals did not alter the nature of the case. Had fortune been as blind as the noble lord, it was unknown into what dangers this instruction might have led sir J. Moore. Morla was then in the government of Spain, and might with as much facility be placed at the head of its armies. Had he been so, and had he peremptorily ordered the advance of sir J. Moore to Madrid, sir J. Moore could not, without violating his directions, and being guilty of insubordination, refuse to comply with those orders from a person whose object was evidently not to save, but to sell the interests of his country. Were such to have been the case, sir John Moore with his army, would infallibly have fallen into the snares of the enemy by pursuing the instructions given him by the noble lord. Under these circumstances, sir J. Moore found himself at

Salamanca.—He now came to that part of the scene in which Mr. Frere cut a conspicuous figure. He hoped the country would now be enabled fairly to appreciate the services of that gentleman. He trusted also that gentlemen on the other side would not forget the various ways in which they had endeavoured to conceal the evidence on this branch of the case: how it had been wrung from them like drops of blood; and the twists and turns and shifts after which it had at length been extorted from them. First they did not know of such a correspondence; then it was private. Would any of those gentlemen, with unblushing front, now assert that any of these letters were private? Had they the mark "private" upon them; and even if they had such a mark, could any man suppose that they were any thing else than a public record of the business of his mission? They were not only public, but were meant to be so. Then they were said to be of no consequence; they had nothing to do with sir J. Moore's retreat, and very little with his advance; and if produced, they would not answer the purpose for which they were called for; as they contained no information that would be of the smallest advantage to the discussion. Were they really unimportant? On the contrary, were they not the sole and only cause of that gallant and lamented officer's advance? It was solely on account of them that he found it his duty to make that advance. On the 13th of November sir John Moore found himself at Salamanca. Of the Spanish army he knew nothing, of the French army he knew as little; and, after advancing as directed, he found himself in front of the French army, his own forces being divided. He trusted he should hear no more blame imputed to that brave officer, as if it proceeded from some fault of his own that his army had been divided into two corps. He did not expect that the gallant officer whom Mr. Pitt regarded as one of our greatest military men, should have been one of the first on whom gentlemen on the other side would transfer blame from their own shoulders. When he recollected the auspices under which the right hon. gent. (Mr. Canning) had commenced his political career under Mr. Pitt, he indeed would be surprised to find him casting the blame from himself upon that officer, who enjoyed Mr. Pitt's unlimited confidence, therein following the example of his colleagues, who shifted the blame uniformly upon the officers they employed. The gallant commander had only one alternative, either to go by sea, which was hardly possible at that time of the year, besides that he might not have been allowed to land, or to go by a road, by which his army could not pass without being divided. It was, therefore, no fault on his part that he had been exposed to this inconvenience. If they told him that the French army was destroyed and annihilated, was it his fault if he afterwards found them in front of him? Were they to throw blame on him on account of their own information to him? Finding himself in this situation, he wrote a letter to Mr. Frere, remonstrating on the way in which he had been deceived, upon his want of information from the Supreme Junta, and that he had no communication with the Spanish commanders. Mr. Frere on receiving this letter gave in a remonstrance upon it to the government; adding a little asperity of his own, in language little suited to the character of a minister at a foreign court. Sir John Moore finding himself in this situation, the Spanish cause nearly ruined, but wishing to assist them if possible, follows the advice of Mr. Frere. Mr. Frere, in his letter to sir John Moore, advises him to advance, and to join his troops to the Spaniards, informing him that by doing so he would prevent an irruption of the French into Spain, and save the capital. This he writes on the very day when one of the entrances to the town was seized on by the French; Buonaparté himself was then only 17 miles from Madrid, and the next day was at the gates. He was not surprised that the right hon. gent. (Mr. Canning) wished to conceal such letters as these, so derogatory to the character of the person by whom they were written, though on his own account he might wish to shew that there was another person who had the same lack of information, and the same ignorance as himself.—There was, however, another reason which might induce the right hon. gent. to wish to conceal the letters. He might be averse from having it known that there was another person who possessed the qualification of writing in the same tone with himself; and he might be afraid to shew how nearly the pupil had approached to the perfection of the master. Sir John Moore, however, disregarded the rhapsody of Mr. Frere, and wisely commenced his retreat, in consequence of the information he had received

from the marquis Romana. Two officers had also arrived from the Junta, requesting of him to advance and take possession of Somosierra, not knowing till he informed them that it was already in possession of the enemy. Morla, too, wrote, requesting of him to advance towards Madrid, the Spaniards being resolved to fight to the last extremity in defending the city; and yet that very day he was capitulating with Buonaparté at the gates of Madrid. So it was plain that this person, who had sold his country to Buonaparté, wanted to entrap sir John Moore and the British army into his hands. But this was only an attempt by a traiterous member of the government of Spain. It remained for Mr. Frere to assist in a similar design. He sends a third time by a messenger, M. Charmilly, declaring it to be the resolution of the Spaniards to perish under the ruins of the capital; and also sends an angry letter to sir John Moore, dated Dec. 3, pressing him to advance. He had heard suspicions expressed on the subject, not having investigated the matter accurately, however, himself, he should not assert it of his own authority, but it seemed extremely likely, from every part of the transaction in which he was concerned, that Charmilly was, if not a spy, a dupe, and that he had involved Mr. Frere in his dupery. If he was so, he had pretty high authority in the same line. If he was a dupe, he was the dupe of Morla, and Mr. Frere the dupe of Charmilly. Was it to be believed, that Mr. Frere would, if Charmilly had not been recommended to him by ministers, have entrusted to him, a stranger and a Frenchman, so important a mission? If he was recommended by ministers, the blame must fall on them, if not, on Mr. Frere. Mr. Frere had even presumed to appeal to the army, and to Charmilly against the decision of sir John Moore. He presumed to interfere in that which was not entrusted to him, and to press on sir John Moore his advice. His language was most unbecoming and indecent. His lordship did not suppose he meant to betray his country, but it was to be lamented, that the enemy should find that even British honesty was now no longer proof against the arts of the enemy, and that the incapacity of such a man as Mr. Frere gave him similar advantages, to those which he was accustomed to derive from dishonesty and treason.—Notwithstanding all the difficulties against which sir John Moore had to contend, notwithstanding he had received no instructions from his government, or information from its agents, and although he had been deceived by the account of the Spanish officers, yet he was determined to put himself in the way of fortune. The march to Madrid was impossible, after the French had seized the pass of Somosierra; but still he conceived it would be a most important diversion for the cause of Spain, and give the patriots of the South time to prepare for fresh exertions, if he were to make a movement against the enemy in the North. This movement he made, and it produced in a great degree the effect that was calculated from it. This movement was attended with considerable danger, and the rapidity of the retreat alone secured the remains of the army. It appeared that ministers at that time had never thought of Ferrol, the second naval arsenal of Spain; and the great accession of naval strength which the enemy had gained by that conquest was owing to the remissness of our ministers. The battle of Corunna, indeed, afforded a brilliant instance of what British valour could do under every possible discouragement. The troops, though broken down and disorganized by misfortune, supported the military character of the country. It was to the ministers of this country alone therefore that we must look for the causes of the failures in Spain, for, as if intending to fill up the chapter of ignorance, his majesty's ministers shewed that they were even ignorant of the number of our own troops employed in that country. The noble lord opposite had written to sir J. Moore, that there was no use in his talking of 26,000 men, he must have had 42,000. —In the commencement of the business, when our hopes were young and yet gilded by the sunshine, the noble lord had told us there should be a combined effort of the British and Spanish armies against France; that the assistance which would be given should be such as would be most favourable, and agreeable to the Spanish interest, and that the operations should be only collaterally directed to objects peculiarly British. How were these measures executed? The first by bringing up our forces after the enemy had commenced his operations, and the Spanish armies had been dispersed; the second by taking no measures to secure the Spanish interest after the retreat. And the third by the loss of 8,000 men, eight millions of money, and one of our most gallant officers. If

the house felt it right to visit those calamities on their authors, and by so doing to prevent their recurrence, his Resolutions would be acceded to. If, on the contrary, it was intended to overlook those failures and disasters, to negative those Resolutions would produce the effect.—The noble lord concluded a long and able speech, by moving the following Resolutions:—

"That it appears to this house, after an attentive consideration of the various documents which have been produced, that the spirit of resistance to the unprincipled aggression of France, manifested in Spain, was neither seasonably, vigorously, nor efficiently seconded, by the arms or the counsels of Great Britain; that time was allowed to the enemy to collect and receive large reinforcements, and to advance into the heart of Spain, before the British army was placed in a situation and condition to oppose their efforts; that when arrived, it was not sufficiently provided with the description of force, or with the proper supply and equipments, most essentially requisite; and that no plan of operations was arranged, by which it might have been enabled, in concert with our ally, to act with effect in the common cause.

"That it appears to this house, that no proper measures were taken, either by his majesty's government, or by his majesty's minister in Spain, for enabling the Commander in-Chief of his majesty's forces in that country to combine his operations with those of the Spanish nation; or for furnishing him with the necessary advice and information respecting the number, situation, and movements, either of the French or Spanish armies.

"That it appears to this house, that the loss of the Spanish fleet in Ferrol, and the addition made thereby to the naval power of the enemy, is, in great part, to be ascribed to want of foresight in his majesty's ministers, and to their neglect in not taking measures of timely precaution.

"That this house, deeply lamenting the disastrous issue of the late campaign, is of opinion, that by the neglect, improvidence, and rashness, of his majesty's ministers, the hopes of the nation have been disappointed, the means and resources of the country have been wasted, and above 7,000 of his majesty's brave troops, together with their distinguished Commander, have been sacrificed in an enterprise, undertaken without that combination and foresight which the nature of the service so manifestly required, and without which no reasonable expectation could be entertained of ultimate success."

On the question being put,

Lord *Castlereagh* rose to reply, and observed, that if any complaint could be made by his majesty's ministers against the noble lord, it certainly could not be for the manner in which he had conducted the attack he had this night made, except indeed for the generality with which he had conducted that attack, accusing them of the want of all that ability, that foresight and vigour, for which his lordship's colleagues were so eminently conspicuous during the period they were in office. Certainly, his majesty's ministers stood in need rather of excuse than apology, on account of the extent and range of information which they had afforded for the purpose of the present investigation; but they considered that, upon a cause so grave and interesting, it was impossible they could stand right with the country, if the principles upon which they had acted were not fully explained: and if they did not put parliament and the country in possession of all the facts of the case; if they did not meet boldly all that ingenuity could suggest against them, and justify their conduct as far as the complicated nature of the transactions could admit of; transactions, upon which he could not but consider the attack just now made, the most futile, vain, and unfounded that ever was attempted. The noble lord appeared to him to have adopted, not only various, but some not very consistent grounds, upon which to form that attack; in the first place, he complained of their acting without that due and necessary information which would justify their proceedings; and he therefore contended that they were answerable for all the consequences that had followed, and that they ought rather to have waited for such knowledge and details of circumstances, as would have guided them successfully in their subsequent proceedings. But if ministers had waited in a state of inactivity until they had obtained that full knowledge, deemed so requisite, this would have afforded a well-grounded charge of the most culpable tardiness on their part; for how could any one suppose they could act with any effect under such a system?—It was made another ground of attack, that ministers had not sent out any

plan upon which our operations were to be conducted. Upon this subject, he could not conceive any thing so preposterous as sending out any plan in detail. The thing must appear in itself such a downright absurdity, when the remoteness of communication was considered, that he should apologise to the house, for having mentioned it. If it were possible to be effected, the dangers resulting from such an interference would be fully apparent from the effects produced by the Aulic Council of Vienna having interfered with the operations of the Austrian armies. What right could we have to direct the operations of a campaign in which we were only the auxiliaries? If the noble lord, however, meant that they had no general notion of the part of Spain in which the British army was to be employed, he was mistaken. They had long before laid it down that the north of Spain was the advisable place for them to act. In this not the British government alone, but every Spanish military authority whatever concurred. The marquis de la Romana at St. Andero, gen. Castanos at Madrid, and sir H. Dalrymple at Lisbon, all agreed in this; and the only persons who seemed to dissent from it were the politicians of London. He knew there was an opinion entertained by a military officer of high character in this country, (earl Moira) that the proper situation for us to have occupied would have been the Pyrenees, but as that point was not now argued, he should not touch on it. The noble lord seemed to have chalked out for himself an intermediate campaign, taking St. Sebastian and Barcelona for his scene of action. He was afraid, however, the noble lord must soon have gone to the Pyrenees, as he could not long have held out at St. Sebastian. The advantage which would arise from going to Barcelona had not escaped his majesty's ministers. A provision had been made to that effect, without frittering away the force necessary to accomplish the main object in view. Directions had been given in July to sir John Stuart to co-operate from Sicily on that side, which that brave and enterprizing officer would have done, were it not for the threatened invasion of Sicily from the side of Italy. The exertions or the views of government were not confined to Spain as a separate country; its cause was connected by them with that of Europe. It also materially affected the British interests beyond Europe, as it delayed the intended operations against the British possessions in India. We had also benefited the interests of Austria, by drawing forth a larger force of the enemy than it would be necessary for him to employ, had we made no efforts on the side of Spain. The resistance the enemy had met with in Spain made it necessary for him to send an army of 200,000 men into that country, whereas, had it not been for the assistance received from this country, Spain might have been over-run by the troops which Buonaparté originally had there. The whole course of our policy went not only to rescue Spain, but the world, by resisting the attitude in which France stood at that period against the continent. As to all that had been said respecting the tardiness, of their measures contrasted with the dispatch and rapid execution of those of the enemy, he begged the house to reflect for a moment, upon the vast superiority of means possessed by the enemy, for carrying their various operations into effect, by requisitions and the other instruments of arbitary power. It certainly was no ways surprising that France, with all her means of conscription at home, and requisition abroad, should be enabled to assemble an army on the Ebro, before the British troops, who united all the difficulties of a march from Lisbon with those of an equipment, which could not be assisted by those requisitions by which the enemy was aided, could arrive at the scene of action. Dispatches had been at an early period sent to sir H. Dalrymple, directing him to proceed to the north of Spain, without waiting for specific orders from home. Those dispatches arrived after the Convention of Cintra had been concluded, so that they could not have influenced that measure in any manner. The same order had been given towards the close of September, to sir David Baird. The reason why the troops released by the termination of the Campaign in Portugal, were not put in motion sooner, was, because sir Hew Dalrymple (which was also approved of by the government at home) had determined not to do so till a Central Government was established in Spain. This event was not known at Lisbon till the 4th or 5th of October, and the army was positively in motion three days after. There could, therefore, be no blame on this head attached either to the officers in Portugal, or to the government of this country. Sir John Moore was to act upon no other authority than that of his own govern-

ment, and the dictates of his own judgment, and it was a satisfactory reflection that there was no complaint of any want of cordiality having existed between sir John Moore and the officers of the Spanish army. He insisted that no person could have suggested a more judicious line of conduct to be preserved by us towards the Spaniards, than that which had been pursued by government. The noble lord accused them of not having made a provision for the reception of the army sent to Corunna; to this charge he could only answer, that unless he had been able to borrow the prophetic fire of the noble lord, which saw every thing so distinctly after it had taken place, he could not by any means have anticipated any difficulty on that point, as it was obviously more the interest of Spain than of Great Britain, that no obstacle should be interposed. The amount of force sent was precisely what had been demanded by the Gallician Junta, and as soon as advices were received from lord Wm. Bentinck from Madrid, on the 29th of September, the whole plan of military operations was notified to him in order to ensure the making of every necessary preparation.—He might, indeed, support a tolerable case, even had no preparation been made at all by government for the debarkation of the force at Corunna, as till they heard of the cause of the delay, and the delay itself, it was not possible for human ingenuity to have anticipated such an event. But they had taken every step that prudence and foresight could suggest to prevent any mistake taking place. On the same day he had written to direct the advance of sir John Moore, he had written to the Gallicias to prepare for the reception of general Baird's army, and also to general Broderick, or the officer acting for him in the commission at Corunna, to take measures preparatory to that event. No disinclination to their debarkation had been evinced till their arrival, when the letter from captain Kennedy informed the government of this country of that circumstance; and the reason why they were not permitted to land for some time was only owing to an official omission in sending the order by the Supreme Junta. There never was an objection to their acting in the north of Spain, and the whole of the noble lord's argument on this point fell completely to the ground. The noble lord also accused his majesty's ministers of a surprizing want of combination, in sending general Baird to Corunna, and Romana to St. Andero.—But how could it be guessed, *à priore*, that the Convention of Cintra would be concluded, and our transports employed in carrying the French army from Portugal? It was pretty creditable to government, that even after transports for the conveyance of 25,000 French troops were employed, as many still remained in the Tagus as were capable of receiving 12,000 of our own troops, and bearing them to the north of Spain, had that mode of conveyance been deemed expedient. The movement by land was not therefore adopted from necessity, but from an opinion of the commander of the army in Portugal, that it was most advantageous. Allowing, as he did, that the misfortunes of the campaign were, in great measure, owing to the differences subsisting among the Spanish generals, to the division of the Spanish armies, and to their want of a commander in chief, he could not yet agree with the noble lord, that it was proper for this government to suggest to the Junta the appointment of any such officer. It followed, therefore, of course, that no other instructions, but those that were given, could be given to sir John Moore on this head; namely, to act on an equality with all the Spanish generals. With regard to the charge against himself, that he knew so little of the numbers of our own army, as to suppose it amounted to 40,000, while, in fact, it consisted of only 28,000 men, it was grounded on that disrespect to dates which the noble lord had shewn throughout. The return made by general Clinton, containing information on this point, which he was accused of having overlooked, was not received till long after the letters passed between him and sir John Moore. It was not at all surprizing, therefore, that he should suppose the army amounted to the number he had stated, as 23,000 men had marched from Lisbon; there were 13,000 under sir D. Baird, and all the men in Portugal, excepting eight regiments, had been ordered, on the 11th of October, to proceed to join sir J. Moore, and it was but fair to conclude that they would, by December, have arrrived in the line of his march to the amount of 5,000. Some, however, had been retarded by the disturbances at Oporto; general Stuart's division by the want of corn; and there were 4,000 sick, none of which contingencies could have entered into any calculation made in this country, and yet,

after all, sir J. Moore had 34 or 35,000 men, although they were not immediately in the field. It was true at the same time, that sir John Moore, as a military man, could not acknowledge having more men under his command, than he could bring out to meet the enemy. The movement to Salamanca, and the advance into Gallicia, he approved: nothing could have done more for the Spanish cause, or made a more powerful diversion for the southern provinces, by which they were saved for three months from the advance of a victorious enemy. The noble lord had inveighed, in terms somewhat severe, against the advance of the British troops, and their subsequent retreat, and had even asked, whether sir John Moore or Mr. Frere was the author of those movements? A more judicious movement than that of marching into the north of Spain, could not have been devised by any man. It inspired the natives with confidence, and gave them two months to recruit their exhausted armies. If by it our army had suffered considerably, it ought also in justice to be stated, that the enemy had suffered very severely. Those who knew sir John Moore when he was alive, would not very readily believe, that on military matters he, as commander in chief, would be influenced or directed by any diplomatic character. They even had the gallant general's own acknowledgement that he undertook the movement entirely upon his own authority, and that he had applied to Mr. Frere for information, not for judgment. He had determined to advance, he says, in his letter of the 9th, from a combined view of the advantages and disadvantages which would result from it to this country and to Spain.—Sir J. Moore had acted on just political grounds, and to shew the Spanish nation that if they did perish, it should not be without our risking every thing to save them. He did not mean to say that the opinions of Mr. Frere had no weight; but it was evident sir John Moore acted on his own judgment, in advancing to Valladolid, after the fall of Madrid, which he determined on doing upon the 10th of December, three days before the letter from Mr. Frere, containing the strong expressions so much commented upon, could be received.—Setting Mr. Frere, therefore, out of the question, the movement of itself must alone be examined, and it had been adopted by one of the best military officers this country ever produced. The noble lord had not dwelt much on the retreat of our army; but in that little he had exaggerated our loss. This loss he lamented as much as any one; but it ought always be considered that it amounted to no more than 7,000 men, including casualties (which, if the army had staid at home, would have amounted to 3,000,) including also the consequences of two general actions, and many of smaller note, and the whole period from the time general Spencer left Gibraltar in the preceding winter to the end of the campaign—a campaign which had added to our military renown, our reputation, and our national character, and, from the experience it had afforded, been the school of many heroes in the British service, who would hereafter still further extend our glory. The real loss of men sustained by the country was not so great, therefore, as had been stated, and if it were compared with the military glory derived from it by the country, it must appear very small indeed. He was confident such would have even been the opinion of that gallant officer, whose loss they all must deplore.—It was true he had formerly blamed the administration, whereof the noble lord who moved the Resolutions had formed a part, for their want of foresight in providing transports, and utter neglect of cavalry; but that was under very different circumstances. They, it would be recollected, dismissed the transports when they were just wanted, and they neglected to send cavalry at the very time they were promising them. Now, he would inquire, if that was the case, when the troops were sent to Spain? When the house should bear in mind that 9,000 horses had been sent to Spain and Portugal with the late expeditions, perhaps it would not be said that the present administration deserved any similar censure. The horses were not all cavalry; indeed, some of them were artillery horses, and some belonged to the royal waggon train, and the staff; under these circumstances, he trusted that the same reasons did not exist for blaming the present administration for not succouring our allies, which then existed against his majesty's late ministers. No country ever gave a greater manifestation of energy than Spain, at the beginning of the insurrection, and government was fully justified in having offered them every assistance in their power. It was true, indeed, that in some places there was a miserable want of public spirit when our army was there, but the general dispo-

sition of a nation could never be properly known from the behaviour of the inhabitants who lived near a large army. People were not friendly to an army, from the inconvenience which attended it necessarily. —Upon the whole, he thought the conduct of administration perfectly correct; if they had done more, they might have acted imprudently; and if they had done less, they would not have done their duty. He trusted the house would be of opinion that the noble lord had laid no good grounds for his Resolutions, but contended from false colouring and mistaken notions. Ministers had done every thing possible in exertions to carry the wishes of the British people into effect, and make a great military effort, rapidly and efficiently, in the cause of Spain. However that exertion had succeeded, they had at least this consolation, that in all they had done there was not a stain on the good faith, honesty, and generosity of Britain. They had conducted this arduous and delicate matter in a manner so as to secure the exaltation of the national character, without committing the power of the country. With all the past to blame, the noble lord had not ventured to point out a better line of conduct which ought to have been pursued. They had done their duty with honour and integrity to preserve the Spanish nation from the usurpation of France; they had done every thing possible to preserve the integrity of Spain. If any charge could be brought against them, it must be rather for exceeding than keeping within the point of prudence, in conforming to the wishes of the country, and he trusted their exertions would yet be crowned with success. He concluded by calling on the house to give a decided negative to the motion.

Mr. *Ponsonby* said that the noble lord had begun his speech by censuring that of his noble friend, as being too succinct and concise, and therefore but ill suited to a subject upon which the noble lord had satisfied the house, it was possible to be diffuse, erratic, and tedious. The noble lord, too, had condemned the speech of his noble friend for being so destitute of point. The speeches of the noble lord himself abounded so much in pith and point, that the charge acquired additional force in coming from him; the speeches of the noble lord at least generally abounded in something or other, and he would not take upon himself to decide whether they were right who thought that something abounded alike upon all occasions' and was neither more nor less than pointless prolixity. The noble lord had said a vast deal upon what he no doubt thought a very fruitful theme, the character of the government as affected by the Resolutions proposed. He would not now stop to enquire what that character was: but let it be what it might, it certainly was upon all occasions the same, and entitled to the same weight with the country; for whether they had to resist Buonaparté, or contend with Mrs. Clarke, their measures appeared to be suggested by the same spirit of wisdom and crowned with the same sort of success; so that he apprehended that the character of the government was by this time pretty well established. But the noble lord had taken great pains to identify the character of the government with the spirit of the people; no two things could be more materially different, more substantially distinct. The spirit of the country had indeed, been high, generous, and enthusiastic in the cause of Spain, but did it follow that the government was to suffer itself to be blinded by that enthusiasm, instead of calling forth all the aids of sage counsel to give that enthusiasm direction and effect? But, said the noble lord, what did not the people expect from the government? Why, a great deal was unquestionably expected:—the subject was of a nature to excuse a generous people from expecting so much from such ministers—it was pardonable at such a time to indulge in such extravagant expectations.— They expected their government would have been vigilant in the cause they had so sanguinely espoused—that they would have been prompt and vigorous in the measures they resorted to—but such an expectation was not to justify that government in their rashness, folly, and precipitancy. But, among the causes assigned by the noble lord for the sanguine hopes then entertained of ultimate success, was the circumstance of the preparations at that time making by the court of Austria, to take advantage of that opportunity, and enlarge her military means to the greatest extent she could. If this was the case, he thought the noble lord had been imprudent in uttering that fact in his place in that house as a minister of the country; such a statement coming from a minister would go to give a sort of colour to the charges that appeared in the Manifesto of the emperor of France, not that he thought that those

charges were founded in fact; far from it; but still he did think, that such a statement was calculated to give colour to those charges, and therefore was of opinion, that the noble lord had been indiscreet in mentioning that fact, if it was a fact, as he had done.—With respect to the Portuguese expedition, he condemned it as most ill advised; there was no man who must not condemn it, and for the plainest of all possible reasons; that had it succeeded, even its success would have had no material effect upon the fortunes of Spain, whereas, if Spain was once delivered, Portugal would thereby be secured. But what he particularly blamed ministers for was, their not taking proper precautionary measures to ascertain the real state and temper of Spain before our army had been embarked. That they had not done so was sufficiently clear from this one instance, were there no other—the division under sir A. Wellesley sailed on the 15th July, and the first step taken by ministers to ascertain the real state of Spain, and the sentiments prevailing there, was not resorted to until the 4th of August following; but the strangest amongst all the strange arguments of the noble lord was that, by which he endeavoured to shew that, on account of the great interest taken in the co-operation of the British army by the Spanish government, our government was acquitted from all responsibility. This would be a sweeping argument to indemnify all ministers in all cases of alliances with foreign states; for it would not be denied, that in each of them the respective government of each power would have its due portion of interest. But, notwithstanding this extraordinary interest which the Spanish government had taken, and which was to indemnify our own, it did not appear that this interest had produced any extraordinary co-operation; for when the North of Spain had been fixed upon as the scene for British service, and sir David Baird had reached Corunna, ready to disembark his troops, it was in the memory of the house what delays he had to encounter before he was permitted to land—at one time upon one pretence, and at another time upon a different one; but the real cause, according to sir David Baird's own letter, was an objection upon their part to admit our troops to land there on account of the difficulty of supplying them with provisions, &c. And here the noble lord seemed to expect that his mere letter would be instrumental in effecting a junction between the British and Spanish armies. The noble lord, in this, was more poetical than practical. With the enthusiasm of the poet, he expected to

"Spread the soft intercourse from soul to soul,
"And waft a sigh from Indus to the pole."

He expected to transport his force instantly to the place in which it was necessary to have it actively employed, without any previous arrangement or previous approach. The noble lord said that his noble friend had arraigned him unjustly, in saying, that the march of sir John Moore, or his subsequent retreat, was influenced by his and Mr. Frere's correspondence. With respect to Mr. Frere, he observed that he (lord Castlereagh) had said nothing in his defence, leaving that perhaps to another advocate more competent to defend him; but after the angry, mandatory, impatient, reproachful and upbraiding dispatches which sir John Moore received from that gentleman, no one could say that sir John Moore's conduct was not influenced by him; besides, could the noble lord forget his own Instructions to sir John Moore? He cautioned him to pay the "utmost deference and respect" to his communications; and after this, did he mean to argue, that the letters of Mr. Frere had no influence upon the conduct of that officer? It was said, that sir John Moore in his dispatches took but a mere dry military view of the question; but his view was as comprehensive as it ought to be, and no man would agree with the noble lord in that opinion of him. The noble lord had also said, that a great consolation remained to us yet—that what they had heard of the coldness of Spain in her own cause, was untrue. In the particular part to which the army was sent, he admitted that this coldness might have existed, but no where else—in no other portion of the country, according to his representation, was zeal or spirit wanting. This was certainly a most extraordinary circumstance, that when an army was sent, which was ready to die for the inhabitants at the time and in the place to which it was sent, the impression should be weakest amongst them, and the principle of resistance most difficult to discover or to inspire. The noble lord, in stating this, had the merit of introducing a perfect novelty to the house. The noble lord admitted, that we experienced some loss, though he says it was much less than was generally represented. For himself,

he had such a veneration for the soldiery of this country, that he could not contemplate the death of one without painful emotions. But they were told, that in the present instance the loss was not without its consolation, for it had brought an addition of character to the country; it had proved to the world, that we fought the cause of Spain alone; that we did not pursue any little hidden interest made under the sanction of her name and the justice of her cause. This certainly was true: it was manifest to the world that we afforded Spain a generous assistance; but was this a matter for ministers to make a boast of? Were they to take the credit of it to themselves? Would the noble lord have ventured to advise his majesty to a contrary conduct? He would not. So that the only merit he could claim was that of having forborne to do what neither he nor any other man alive would dare to do. The noble lord said, that every step was taken that could be taken to procure information; but here the noble lord pronounced his own panegyric. What did sir John Moore say on the subject? Their accounts differed as much in this as in the amount of the army. Sir John Moore stated that he got no information at all—two persons were sent to him, old men, or rather old women, to consult with him, but such was the ignorance they displayed, that he entreated to be troubled with them no more; yet his lordship called this making provision for the information of the army. The noble lord had been standing up in his own defence, and never man in such a situation was so little cheered by his friends. He could not assert that the Spanish government had acted rightly in every thing. He feared it resembled the noble lord too much; both would come in for a share of the credit of the Campaign. But as he was of opinion that much the larger proportion was due to the noble lord, he should give his hearty support to the Resolutions of his noble friend.

Mr. Secretary *Canning*, without meaning any disrespect to the noble lord who brought forward this question, said, he could not have thought it possible for the gentlemen opposite, provided with so numerous a band ready to undertake their cause, to have pitched on one who would have supported it on such objectionable grounds. The noble lord had, however, been followed in his arguments by the right hon. gent. who spoke last, who though he had added nothing in substance to his reasoning, had done much in eloquence, and had introduced at least a poetical, if not a very apt illustration. At the end of his speech, too, the right hon. gentleman had been very happy in hitting upon a new method of rousing the flagging attention of his hearers. In the drama, and even in oratory, it was allowed to give as much eclat as possible to the conclusion; and improving on this principle the right hon. gent., who had been uncheered through the whole of his eloquent speech, had, by a very delicate mode of applying the observation to another, conveyed a reproof to his own friends for this omission, and taught them how they ought to have received the declaration of his opinion (Laughter). He had succeeded in his aim, and procured a cheer; contented with which, he hastened to a conclusion, without hazarding another effort (Laughter). Leaving the right hon. gent. then to his fame, he would proceed to the matter before the house. It was usual on so great an occasion as the present, for those who attacked, as well as for those who defended, to allow the importance of the subject. But deeply as this question affected the government and the country, it derived still greater importance from the principles on which the arguments and criticisms of the noble lord had proceeded; arguments which, if allowed, must not only have the effect of cramping the efforts, and palsying the energies of the country, but of rendering it impossible for any government to sustain the charge intrusted to them, or conduct the national affairs with success, by risking a little for the good of the whole. The noble lord took possession of a fine elevated and superior point, from whence he could survey the past, the present, and, in imagination, the future, from which he could contemplate the nascent cause, and the matured effect. He forgot, however, that during the whole time these events were passing, all this information was concealed, and government were deprived of the means of arguing from the past (Hear! hear!) There was a work which they had all lately read, the production of that able statesman who for many years stood at the head, and directed the operations of the gentlemen on the other side (Mr. Fox). It contained an observation (as indeed it was more famous for observation than for throwing any new light on history), that there were periods when persons might

take a stand, survey the surrounding scene, and calculate abstractedly on events and the probable effects most useful in history, and that one of the greatest proofs of practical political wisdom, was to trace future results from present causes, to look with a philosophic eye to the operation of measures, to reflect upon their probable effect, and above all to judge of their propriety, not by contingent results, but by the justice and the policy which recommended their adoption. This was true, and if the noble lord had been arguing philosophically, or as a statesman, he might have been justified in drawing conclusions from effects, and particular facts which he chose to examine. But when crimination, and not speculation, was his object, he could not have practised a more unfair and unjust mode, nor could the house for a moment give countenance to the uncandid use he had made of it. It might even be allowable on ordinary occasions, but could not be resorted to on an occasion like the present, which was without precedent, and such as it was impossible to lay their hand on any period of history to parallel, either from its importance with regard to individuals, to this happy country, and to Europe, or the difficulty that arose from there being so little knowledge to guide their steps, in the actual scene of their operations. Why should government be ashamed to say they wanted that knowledge of the interior of Spain which they found no one possessed? With every other part of the continent we had had more intercourse; of the situation of Spain we had every thing to learn. What, then, was the general feeling which burst forth at that time in this country? He called on gentlemen to recollect their own sentiments of admiration and of surprise. It was now unjustly said that government were too rash, but were they not then accused of being too tardy? Did they come early to parliament and ask for support? No, they had been reproached for not doing so. Why had they abstained but because they hoped the result from Spain would enable them to call for a decided opinion from the people? If the house would recollect the sentiments delivered from the throne at the conclusion of last session, they must acknowledge that they had not out-gone, but kept within the wishes of the people. Was it to be supposed that government was therefore callous or insensible? He trusted there was nothing in their conduct or their nature which warranted such a supposition. They wished to see how the affairs of Spain proceeded before they called on the people for their decided opinion; and though the noble lord seemed to think the question which was agitated near the close of last session right, at the time it had been discountenanced by the hon. gentleman near him (Mr. Whitbread) on the same grounds he now maintained, that matters were not mature enough for a decision. The noble lord had stated three promises, which he supposed to have been made on that occasion. The first, that a combined effort was to be made with Spain he denied, as not true in fact. There had been no such promise; no such intimation, nor were there at that time any thoughts of sending an army into Spain. It was impossible that the assistance alluded to could have been of a military kind, as it was declared, none such would be sent without a specific call from a Central Junta. The noble lord was correct with regard to the second promise he mentioned, that the assistance to Spain should be of the kind most agreeable to her wishes. This promise had certainly been given, and as certainly, most punctually and invariably observed. As for the third promise, that the operations of the campaign should be directed to British objects, here the noble lord was again wrong. In the statement he (Mr. Canning) had the honour to make to the house, he had declared on the part of his majesty's government that the consideration of British interests would be postponed, and their only object would be to promote the interests of Spain; that the wishes of Spain should be their rule of conduct; and that of Spain the profit and advantage should be exclusively considered. (Here lord Temple signified that this was his understanding of the point.)—If that was the sense in which the noble lord understood the British interest was promised to be pursued, on what plea, then, could he now say that ministers had forfeited that interest at Ferrol?—(Hear, hear!) It was for Spain, not for the British government, to decide on that subject. These two things we were supposed to disclaim; the separation of the colonies from the mother country was not to be thought of; and we abjured the idea of stealing ships either under the pretence of placing them in safety, of restoring them to the lawful sovereign of Spain, of keeping them for the use of the Spanish people, or under any other ex-

cuse.—Having refreshed the recollection of the noble lord on both these points, he should proceed to consider the justice of the accusation made by the noble lord as connected with them. The sum of the noble lord's observation was this, that his majesty's government set out upon the principle of rescuing Spain from the oppression of France, and therefore that an indictment laid against them for not having brought away the fleet from Ferrol. He saw the view which the noble lord took of the subject. The noble lord would have been willing to have had all the varnish of generosity in the first instance, and all the profits of the seizure in the last. In the first instance, the noble lord would have maintained the high character of the country; in the last, he would have availed himself of the opportunity of pillage, when the interest of the country appeared to demand it. The noble lord having contended that it was bad to send an army to Spain, and that the conduct of that army in Spain was also bad, maintained, that it was worse not to aggravate the mischief which he had denounced by refraining from bringing away the Ferrol fleet. To have brought away this fleet might have been justifiable, had the behaviour of Great Britain towards Spain originated on other principles than those on which it did actually originate. It was perfectly true, that in the contest between Spain and her oppressor, Great Britain was not originally bound to defend the former. The British government might have said to the Spanish nation, on its application for assistance, "No, you have been the vassals of France, you have filled the coffers of France, you have nerved the arm of France against Great Britain. We always told you that the time would come when in common with other nations of Europe you would be punished for your conduct; and we rejoice that that period has arrived. What have you done to entitle you to our aid? We have a right to take an advantage of your destruction; and while France is shaking you to dissolution, we have a right to pick up your scattered limbs, and unite them to our empire."—This was the language which, in conformity to the practice of nations, and in conformity to the principles of justice, might have been held towards Spain; but fortunately for the credit, and for the real interest of this country, other sentiments prevailed. In adopting the universal feeling of the nation, the British government shared in that universal feeling of the nation, and having once acted upon the principles of liberality and sound enlightened policy, it was indispensible that their conduct should be tried throughout upon the same principles. But suppose the noble lord were to answer "Yes; I allow that you ought not to have done any thing violently to hurt the feelings of the Spanish nation; but I contend that you ought to have made by effectual and urgent representations, such an impression on the Spanish government as would have induced them to permit you to do that which your mutual interests required." In the first place, what was or might be the ultimate interest of both countries on this point could not yet be said to be determined. The period had not arrived for the British government to call for an examination into the conduct of the war;—to decide whether or not they had acted wisely, and brought the great contest in which they had engaged to a happy termination. When that time should come, and the whole of the conduct of his majesty's government should be before parliament and the public, he trusted the result would prove, that they had, in the whole of their measures, wisely consulted the real interest of their country. It was material to distinguish the period, when a government, having terminated a course of operations, laid its conduct open before parliament, and called for a decision upon it, from the period when it was attempted to obtain a forestalled decision upon its conduct at what might almost be called the commencement of its course of operations. It could not be expected that a government should be enabled, to use the words of Addison,

"To crowd an Iliad into one campaign."

It was a statement founded upon parliamentary principle and usage, that a case voluntarily offered for examination must be differently considered from a case the premature examination of which was demanded. The noble lord, however, fixing himself particularly on this subject of Ferrol, had quoted dates without any due observance of places. He had stated it to be absurd, that while the fleet was not secured from the French at Ferrol, at that very time a treaty was signing in London for keeping them out of the power of the French. The same confusion of time and place prevailed throughout the whole of the noble lord's speech. The noble lord had asked, why his noble friend had on the 14th of November written instructions

to general Moore to take the course which he in fact had determined to take, and on the identical day actually adopted? This certainty was not prescience on the part of his noble friend, because it was a knowledge of something contemporaneous; but surely it was no impeachment of the discernment of a government, that it provided at home for that which at the very same instant was taking place abroad. When the noble lord had given his notice of the present motion, he had promised that a great part of his industry and eloquence should be employed on the treaty concluded between Great Britain and Spain; on which treaty, however, the noble lord had contented himself with making a single observation. This observation proceeded on the principle that the noble lord condemned the provisions being only for probable and contingent cases. But it should be considered, that it was intended in that instance to take a comprehensive view of the interests of the two countries. The period was not favourable for negociating an instrument so extensive as that must have been which would have provided for every possible relation. It would not have been fair to Spain; for either Great Britain must have conceded gratuitously to Spain, or she must have asked in return what Spain had not at that time the power to give. Still, however, connected as the two countries were, was it not right that there should be a recorded document of that connection? The relations of Great Britain to Spain were meliorated by this document. She was before bound to an indefinite extent to assist Spain, and to a definite extent to abstain from demanding a remuneration. It became absolutely necessary, with a view to our own interest, in some degree to define the principle of the connection between the two countries. When the—he did not know what to call it—a revolution, he thanked God, it was not; an insurrection it certainly was not, for it was against no legitimate authority; but on the glorious breaking out in Spain of the determination to resist French oppression, a British Order in Council was issued, declaring peace established between the two countries, and prohibiting any further captures from the Spaniards. He believed that every man in the country felt this to be a wise, just, and honourable act. But, at the same time, the British government had a right to say, that this abstinence from captures must be reciprocal. Nothing was more fit for them to ask, nor more honourable for Spain to grant. Was this concession nugatory? The fact was singular, that the only two cases of capture which had occurred, were captures made by Spain from Great Britain.—To proceed with the consideration of the Treaty; the articles by which Great Britain was bound to acknowledge Ferdinand VII. or any subsequent legitimate sovereign of Spain, had been idly supposed to bind her to carry on the war for Ferdinand VII. or still more strongly to acknowledge Joseph Buonaparté, should he become a successful usurper. The only object of the article in question was the possible case of the extinction of the present royal branch of Spain, in which case it might become a doubt, in consequence of the Salique law, whether the Neapolitan branch, or the princes of Brazil should ascend the throne. It was not for this country to decide such a point, and it was therefore sound policy for this country to provide against the contingency of making the election. The next article in the Treaty was that by which Spain engaged to take precautions that her fleet should not fall into the hands of the enemy, and by which Great Britain engaged to assist her in that object. Amidst all that Spain had felt and suffered from French oppression, the Spaniards had never been disposed to admit the British troops or fleets into their naval arsenals. The offer had more than once been made by Great Britain, but in conformity to the principles on which the government set out, never in a tone of coercion. It had been declined; and that refusal had been received by government, not with ill humour; with great regret, but with a just deference to the judgment of those from whom it proceeded. It was held by the Spanish government, that standing as they did on the basis of public opinion, they might by the admission of the English into their ports, have given occasion to the common enemy to say, that the English, according to their usual practice, were availing themselves of the distressed state of Spain to seize the Spanish navy. It was on this ground, frankly stated by the Spanish government as likely to mislead many of their countrymen, that they declined an offer in which they allowed they did not see any thing dangerous or dishonourable. But a much more important consideration than even the principles on which this instrument was founded, was the relative situation in which the events at the close

of the last campaign left the two countries. He would not enter into a critical examination of every military movement of the last campaign. Such a retrospect would be very painful, and certainly was not necessary on that occasion. But it was necessary, and would be his duty, to follow the noble lord, when he attributed a part of the operations of the campaign (which he believed the noble lord considered to have been misconducted, but which he himself did not think had been misconducted) not to the free will of the general who commanded, but to the improper interference of his majesty's ministers in Spain. This was a question which it would be difficult completely to decide, if both the individuals who were concerned in it were members of that house, and if, fortunately, both were alive, capable of stating the facts to parliament, and of rendering further service to their country. It was distressing, therefore, to come to the discussion under the difficulties which existed upon it. When the individual, in whose defence it was probably expected he should speak, though living, was not present, and when the other individual, for whose memory he entertained the highest respect, was no more, he would freely acknowledge, that even if the error imputed were an error of great magnitude, the battle of Corunna ought to obliterate it; but he imputed no such error. He would say, that on a fair examination of the evidence, with as much impartiality as he could assume, and on a free comparison of his own sentiments, with those of others, he believed in his conscience, that the fact of sir John Moore's advance (so much condemned by the noble lord) being attributable to the interference of Mr. Frere, was not true. If he thought otherwise, he should by no means be disposed to shield Mr. Frere from the responsiblity of it; for considering the advance in a military point of view, in his poor judgment he could not but think it a wise measure; but in every view which ennobled military objects by exalting military character, he was sure it was a perfectly wise measure. So far, therefore, from shielding Mr. Frere from the responsibility attached to this forward movement, he should rather hail it for him as a most meritorious act. But truth compelled him to declare, that although he did not think it a blameable measure, the merit of it was not Mr. Frere's. Of this he was convinced, that if the gallant general, whose loss the country had to regret, was present to state his own case, the house would never have heard from him one word of the tendency of the noble lord's observations. To this conviction he had not brought his mind on light grounds. It was founded on the fact, that sir John Moore had not transmitted his correspondence with Mr. Frere to government.—Did the noble lord mean to attribute to sir J. Moore, that having made a movement, by which the existence of the British army was endangered, he withheld from government any knowledge of the motives on which he had acted? This would be to prefer a serious charge against that gallant officer, who, he dared to say, had never been wanting to his duty, but who would have been wanting to his duty had he so conducted himself.—So much for that view of the subject in which the public was materially concerned. The rest was between individual and individual; and he confessed that he did not think the time of the house properly employed, or the feelings of the house properly excited, when such a transaction was made the subject of their solemn discussion. It was not a useful employment for parliament, and he trusted that there was no man to whom the agitation of such a question could be a matter of satisfaction or delight. He had been taunted the other day, as if his private regard was to influence him to protect a public offender. He hoped he should never assume such a privilege. His private regard would induce him to speak a few words upon the subject, but his public duty would induce him to make those words, that he should say upon it, as few as possible. He had no hesitation in saying, that there were parts of Mr. Frere's correspondence which he did not like. There were parts which he did not approve, and of which he had not advised his sovereign to express his approbation. The specific point to which he alluded, was the demand made by Mr. Frere, that the individual by whom the letter from the Junta of Madrid was conveyed to sir J. Moore, should be examined before a council of war. His opinion was, that it was Mr. Frere's duty to convey to the General every information in his power; to transmit to him the communications of the various local governments; to accompany those communications with his own honest opinion of their value; and to enforce that opinion with the best arguments that oc-

curred to him; but there he conceived that his province ended, and that he ought not to prescribe, that, which depended on a military decision. He hoped, however, he might be allowed to say in extenuation; he could not affirm it, for he had not the means of information; that probably Mr. Frere's letter was not written in the sense in which it was taken by sir John Moore. It was no unusual thing for a minister in a foreign country to transmit information to a general, and to recommend to him an examination of a particular person before a council of war, as the best mode by which suspicious intelligence might be detected.—This led him to a circumstance on which great stress had been laid, namely, the character of the gentleman by whom Mr. Frere's letter had been conveyed to sir John Moore. Of this gentleman he knew nothing; he had never seen him; he did not believe that Mr. Frere had seen him before this transaction; he had not been selected by Mr. Frere for the purpose of conveying information to sir John Moore; he had not been sent out from this country recommended to Mr. Frere; but he believed that after Mr. Frere went to Spain, M. Charmilly passed through Salamanca; that he was not ill received at head-quarters; and that having been at Madrid he called on Mr. Frere, at Talavera on his way to Salamanca, with a letter to sir J. Moore from a member of the Junta at Madrid. Mr. Frere, of course, thought it his duty to forward M. Charmilly to sir J. Moore, by every means in his power. With respect to the character of M. Charmilly, although he believed that many of the charges made in another place against him were wholly unfounded, and others egregiously discoloured, yet he must observe, that Mr. Frere had no more to do with the character of M. Charmilly than he would have had with the character of a common postman. M. Charmilly was the bearer of a message from the Junta of Madrid to sir John Moore, and Mr. Frere could by no means be responsible for the selection of the messenger. But, whatever might be thought on this point, he trusted that there could be but one feeling on the sentiments expressed by Mr. Frere, when he declared that he did not despair of a cause which it was his bounden duty to support and encourage. He had before observed that the advance of sir J. Moore (which advance he deemed perfectly justifiable) could not be ascribed to the correspondence of Mr. Frere with sir J. Moore, because sir J. Moore had not transmitted that correspondence to government as the cause of his movement. But not only did sir J. Moore not transmit his correspondence with Mr. Frere as the ground of his advance; he ascribed it to other grounds. In his dispatches he stated it to have been resorted to "in consonance with the general opinion, and also with that of Mr. Frere." —On what principle of justice, then, could it be said that this determination to advance arose solely from the solicitation of Mr. Frere? With respect to the tone of Mr. Frere's letters, although he confessed, that in the course of them there appeared something of apparent exasperation, he could yet readily conceive, and any man must be convinced who had read the letters which Mr. Frere received, that they were occasionally calculated to produce feelings not of the most pleasant description. But he had not stated all the grounds for his conviction, that sir John Moore's advance was not to be ascribed to Mr. Frere's interference. Previous to that advance, sir John Moore wrote to his noble friend near him, inclosing a letter of Marshal Soult, in which he was represented as critically situated, and liable to a successful attack. On the information contained in that intercepted letter, sir John Moore expressed his determination to advance. With respect to the advance itself he would say, that with all its consequences and disasters he preferred it to a retreat, at the moment of Mr. Frere's remonstrance. Of those disasters he would not say a word. He would not charge any thing. The battle of Corunna covered every thing; but the retreat itself, and the precipitancy of it he could never cease to regret. As for the advance, government were not responsible, so were they neither responsible for the subsequent transactions. The only way in which any responsibility could for a moment appear to attach to them, was from the circumstance of the transports not being at Corunna when the British army arrived there; but any one who read sir John Moore's dispatches must be immediately convinced that it was not the fault of government that the transports were sent to Vigo, and not to Corunna. He was far from wishing to speak of the disasters of war as the subject of any thing but lamentation; yet, however deeply he regretted the severe loss which the British sustained at the termination of the Spanish campaign, he could not but consider that termination as most honourable and advan-

tageous to the country. He hoped he was not less sensible than others to the value of military services and military men; he hoped he did not feel less admiration than others, who had been in company with our naval and military heroes, of that glory before which all other glory became obscured. By the consent of all other ages, and notwithstanding the arguments of philosophy, and the deductions of reason, the military character stood pre-eminent in the world. Reverting to the state of Spain, he asked, whether because she had not yet been able to throw off the yoke of France to re-establish her independence, and achieve her liberty, he was therefore to consider her cause as lost? He trusted that many, very many, more efforts would be made ere that melancholy result would ensue. He trusted that by the desultory mode of warfare now adopted, the Spaniards would gradually diminish the forces of their oppressor, and render their country a conquest which it would be difficult to make, and which it would be impossible to retain. In consistency with the principles hitherto acted upon by the British government, it was not intended to dictate to the Spaniards the line of conduct which they ought to pursue, but he trusted that it would not be long before we should learn, that they had adopted a system by which the force of France would be turned against herself with accumulated violence. Till that period, the universal rising in Spain against the scattered forces of the enemy, might prevent any great advantages being gained by them. These hopes he should not have been able to entertain, nor endeavour to inspire, had it not been for the experiment under discussion; had not military aid been afforded to Spain, and that in such a mode as to shew that Great Britain felt an earnest desire to encounter every peril, and to share every danger, of that nation whose cause she so warmly espoused.

Mr. *Tierney*, although he was not quite so sanguine as the right hon. gent., did not yield to him in good wishes for the Spanish cause. The difference between them was not as to the principle of assisting Spain, but as to the mode of acting upon that principle. All the papers confirmed the opinions which had before been given from his side of the house. Mr. Frere had, at last, found a friend; and certainly no one ever stood more in need of one. But though Mr. Frere had found a friend, the noble lord (Castlereagh) had lost one; for the right hon. gent. had not in any part of his speech, undertaken to defend the general management of the campaign. The defence with respect to Ferrol was no defence at all. The Spaniards refused our offer, it was said, to garrison their naval arsenals. But were it not for the expedition to Copenhagen, there would have been no difficulty on that head. Arrangements might, however, have been made, by which the object might have been effected, had it not been that no such idea entered the heads of ministers till too late, and the favourable opportunity was lost. An article had been introduced into the Treaty, relative to the fleet at Cadiz. Why did not ministers act upon this idea sooner, with regard to the fleet at Ferrol? He contended that it was imprudent to enter into a treaty of the nature of that now concluded, with a Junta which had concealed information, the want of which placed the British army in the greatest danger. Some of the Junta had turned out to be traitors, and he thought that consequently, his majesty's name ought not to have been so rashly and formally committed as it was in this treaty.—He then adverted more particularly to the conduct of the campaign, and said, that it was matter of substantive charge against ministers, that they had so long delayed to send troops into Spain; that they had spent the time in writing dispatches while Buonaparté was marching his troops. They should have sent troops at an earlier period, if they thought it fit to send them at all.—He next adverted to the state in which the army found itself when it arrived in Spain. Lord Wm. Bentinck, whose good sense he commended, had given notice as early as the 14th of November, of the probable motions of Buonaparté, and particularly requested that cavalry might be sent. The noble lord did not send cavalry in sufficient numbers, and to that, according to the statement of sir John Moore, was to be ascribed many of the disasters of the campaign. Sir John Moore had said with justice, that the British army had never reached Spain till the Spanish armies had been defeated and their cause lost. The noble lord had besides so contrived it, that the army was in three divisions, and consequently inefficient as an army till it was too late. All this was owing to the delay of ministers.—Mr. T. then expressed his regret, that he should be obliged to say any thing respecting Mr. Frere, that might hurt the

feelings of the right hon. gent. But as much regard was due to the memory of sir John Moore as to the feelings of Mr. Frere. General Moore had been instructed to receive the communications of Mr. Frere with respect. Mr. Frere gave it as his opinion that sir John Moore ought not to retreat. Then he sent Charmilly, of whom nobody said any thing that was good. Mr. Tierney denied that Charmilly had been sent to general Moore by the Junta, for the dispatches of the Junta had gone by a different road, and, in fact, had arrived before Charmilly.—He then dwelt upon the impropriety of the language of Mr. Frere to sir John Moore, and the manner in which he had required that Charmilly should be examined before a council of war. He read some extracts from the papers, in order to shew that general Moore had been influenced in the first place to suspend his retreat, and afterwards to advance towards the north, by Mr. Frere. But in order to confirm this, he quoted an extract from a private letter, which sir John Moore had written to sir David Baird, and which had been sent to lord Liverpool (Mr. Canning said he knew nothing of it). Mr. Tierney observed, that he could not have believed that there had been such a want of communication, and cordial co-operation among ministers. But such was the fact, and there could be no doubt that the disasters of the campaign were in a considerable degree, to be ascribed to Mr. Frere's interference.—Mr. Tierney then adverted to the distressing situation in which sir John Moore had been placed, owing to the negligence of ministers, and dwelt upon the admirable manner in which he had conducted himself on his retreat. He could not, however, help saying that there appeared among ministers, something like a disposition to keep the merits of sir John Moore from the public view. He would ask whether an order had not been sent to the Drury-Lane Company by the Lord Chamberlain, not to continue the recitation of a monody to the memory of sir John Moore, composed by a member of that house? The gentlemen at Lloyd's, too, had proposed, at one time, to expend something in honour of the memory of sir J. Moore; but they had afterwards discovered that they were not sufficiently rich for it. This was very extraordinary. Though they were too poor to honour the memory of sir John Moore, they were rich enough to reward sir Home Popham (A laugh). He concluded by observing, that from the evidence now before the house, it was manifest that the noble lord opposite was not to be trusted with the management even of a corporal's guard. Unless parliament consented to pass a vote of censure upon the conduct of this campaign, the house would be responsible for whatever mismanagement might in future take place by the noble lord's means.

The *Chancellor of the Exchequer* did not think it necessary to go at any length into a question, which had been already so much and so fully discussed. But he wished to know from the right hon. gent. who spoke last, whether he meant to arraign ministers for having sent an army into Spain too soon, or for not having sent it sooner; for from his speech it was difficult to collect which was the charge. But whatever course ministers took, the right hon. gent. was resolved to blame them. If, however, ministers had not sent an army, the gentlemen on the other side would have had much better ground for censure. If, instead of the exertion that had been made, no army had been sent, what would now have been the state of Spain? Had it not been for the diversion made by the British army, the French would have got possession of the south as well as of the north of Spain, and the cause would now have been indeed rendered hopeless. He blamed the gentlemen on the other side. for not pointing out any other course of proceeding, which either with a view to expedition or diversion, would have been better than that which had been actually adopted. With respect to the fleet at Ferrol, he denied that Spain had been prevented from admitting a British garrison into their arsenals, owing to any consideration connected with Copenhagen. Spain, perhaps had felt some jealousy with respect to the views of Britain, from the operations of the French, and of those who echoed French sentiments. But as Spain was unwilling to accede to any proposition of this kind, it was impossible, under the circumstances, to press the subject further than the naked offer. He contended that it was impossible that general Moore should have acted contrary to his own views of what was proper. It was injurious to the memory of sir John Moore to say that he had acted merely upon the advice of Mr. Frere. He further said, that Mr. Frere had not impertinently obtruded his advice, for that advice had been solicited by sir John

Moore: but the retreat to Corunna was judiciously chosen by sir John Moore, for it was, in the circumstances in which he stood, the most beneficial measure for the Spanish cause that could have been adopted. With regard to M. Charmilly, if Mr. Frere had known all that the gentlemen on the other side suspected, it would have been improper in him to have employed him. But there was no evidence that Mr. Frere knew any thing of all this. He affirmed that there had always been a disposition in the government to do justice to the merits, the services, and character of sir John Moore. About the order respecting the monody, or the compliment at Lloyd's, he knew nothing. He could scarcely believe that the Lord Chamberlain could have sent the order alluded to. He concluded by observing, that if sir J. Moore had been alive, he himself would, in looking at Spain, have been convinced that the salvation of that country had been the consequence of the step which he had taken in retreating through Gallicia.

Mr. *Bathurst* spoke in favour of the motion. He did not see what ministers could have expected, to induce them to hazard such an army in such an expedition. They took credit to themselves for the diversion effected in favour of the Spanish cause. But looking at the subject in another view, it was no merit of their's that the army had escaped at all. He was of opinion that it would have been better to have retreated to Portugal; and he thought it impossible for any candid man to read the papers, and not to be convinced that sir John Moore had been induced to adopt the measures which led to the disastrous retreat, by the interference of Mr. Frere, whom he understood as speaking the sentiments of ministers.

Lord *H. Petty* adverted to the extraordinary sort of defence made by the noble lord, when he said, that the most extraordinary exertions had been made by the French. The noble lord might have calculated upon that, for many of his failures had been owing to the same cause. In remarking upon the conduct of ministers to sir J. Moore, he mentioned an observation of cardinal du Retz, who said that men might be placed in situations in which, turn how they would, they must commit a fault; but that fortune never placed them in such situations, which were only the effects of their own errors. In such a situation had sir J. Moore been placed by the ministers.

Mr. *Whitbread* rose, amidst loud cries of Question, and in a short but animated speech contended; 1st, that Mr. Frere had displayed such a want of temper and capacity, as to render him unfit for any diplomatic situation whatever; next, that the ministers had not acted fairly by sir J. Moore; and, in the next place, that M. Charmilly was a person unworthy of any confidence, from every thing that he had heard of him.—He wished principally to know, whether, as Mr. Frere was understood from report to be superseded by a noble marquis, he was to be appointed to any other situation, as report had also sent him to Constantinople. This, notwithstanding the defence made for him, he thought highly improper, as he had, in his mind, evinced himself disqualified for any situation. The conduct of M. Charmilly he equally reprobated, and painted in very disadvantageous colours, as having been first known as a revolutionist in St. Domingo; from thence coming to France, where he had attempted to raise an insurrection; after that, retiring to this country, where he was successively known as a coal merchant, a distiller, an usurious money lender, and a bankrupt. These were facts which he said, could be proved. He had afterwards, he understood, applied to ministers to be sent out to Spain, and was refused; yet he was since found employed by Mr. Frere, though said to be unknown to him, as a confidential agent to sir J. Moore.

The house growing impatient for the question, a division took place on the first Resolution, which was negatived: Ayes, 111; Noes, 230; Majority, 119.—The other Resolutions were negatived without a division; and the house adjourned at five o'clock on Wednesday morning.

HOUSE OF COMMONS.

Wednesday, May 10.

[War Office Accounts.] Mr. *Wardle*, pursuant to notice, rose to move for the production of certain Accounts from the War-office. His object in moving for them was to put the house in possession of the state of accounts in the war-office. Since 1797, when the establishment was enlarged, with a view to bringing up the arrears, the number of clerks had been greatly increased, and yet the accounts were in greater confusion than ever. If the papers should be granted him, he would show, that this increase, instead of expe-

diting, had retarded the settlement of the accounts. The establishment of the war-office cost 54,000*l.* annually, and yet the accounts might be made up without suffering any arrear to accumulate for 30,000*l.* a year. Thus there would have been a saving of expenditure since 1797, in that department, if even the average expence were taken at 40,000*l.* annually, of above 140,000*l.* Many regimental accounts were in arrear more than twelve years, and the confusion was increased by the different changes that had been made in the manner of conducting the business of the office, whereby monthly and quarterly accounts were intermixed with annual accounts. A radical change of system was absolutely necessary; because any modification of the present system would only be for the worse. Other advisers should be consulted than those on whose opinion the present system had been adopted. He knew an accomptant, who would undertake to make up the whole of the accounts of the office for the sum he had mentioned, and pledge himself not to suffer any arrear to accrue. After noticing the establishment of a second war-office in George-street, at an expence of five or six thousand pounds a year, the Volunteer Pay Office, which he stated not to be necessary, the honourable member concluded by moving, "That there be laid before the house a return of all the Annual Regimental Accounts now in the War-office, specifying such as are settled, and such as are not; also a return of all the annual regimental accounts which have been carried into warrant; specifying how many in each year, and whether for cavalry, infantry, or militia regiments."

The *Secretary at War* did not mean to give any effectual opposition to this motion, at the same time that he trusted he should be able to persuade the hon. member to withdraw his motion. A commission had been appointed to examine and report upon this subject, and had already produced three reports; the one of which, that related to the Accounts, had been drawn up with great ability and precision. The subject had been seriously taken up by his majesty's ministers, who had frequent communications with the war-office, relative to some new arrangement. He could assure the hon. member, that his majesty's ministers were equally with himself impressed with the necessity of a comprehensive and radical reform in the business of the office. The Secretary at War then went into a detailed account of the steps which had been taken to remedy the grievance since his coming into office; and concluded by observing, that as there could be no utility in pressing for the accounts at this moment, he hoped the honourable gentleman would give up his motion.

Mr. *Long* agreed in the necessity of adopting some new system for the simplification of army accounts, for the excellent system introduced by Mr. Burke would be wholly ineffectual at this time; for instance, a number of differences in the pay of the soldiery had been introduced depending on the local, or temporary prices of bread, or meat, at their respective quarters. Hence, it was not possible to go into a minute inquiry of the accounts, with any hope of an accurate result.

Mr. *Windham* said, that the only practicable mode for attaining accuracy in the accounts, was to simplify the mode of paying the soldiery. In investigating the cause of the arrears which had accrued, much would depend on considering the degree of zeal, integrity, diligence, and intelligence employed by the persons to whom the investigation was referred. During his own continuance in office, he was conscious that much of each was exerted; and still the desirable result of bringing up those arrears could not be accomplished. The real cause of accumulation in those years was the great increase of the public force. Gentlemen who complained of these arrears seemed to forget not only the great increase of the regular army, but the addition of the Army of Reserve, the Supplemental Militia, the Volunteers, and Foreign Corps. The grist had exceeded the powers of the mill; and to remedy that defect, there must be more mills and more millers. However, if the hon. gentleman who made the motion, could produce any effectual plan to remove the defect of which he complained, he would render a great public benefit. But he must allow him to doubt the practicability of such a plan, from what he himself had already experienced.

Mr. *Whitbread* thought that if the business of the army accounts was the private concern of an individual, there would be no more difficulty in avoiding arrears, and producing regular balances, than in any mercantile house. With respect to the foreign corps. the hon. gent. took occa-

sion decidedly to censure the system adopted by government, under M. Charmilly, of enlisting into the British service French prisoners of war—men who, whatever might have been their principles, would not fail to profess any opinion or feeling that would procure for them not only liberation from imprisonment, but bounty, pay, and clothing in the British service, from which service, however, it was judged prudent to exchange them for British prisoners of war in France, while col. Charmilly was continued in full pay in the British service.

Mr. *H. Thornton* said, that it had fallen to his lot as a member of the Finance Committee, to examine many items of those accounts, both printed and written, without being able to arrive at any clear or comprehensive idea upon the subject. It was one of much complication and difficulty, and the committee of which he had the honour to be a member, finding that the Commissioners of Military Inquiry were occupied upon the same subject, deemed it advisable to await their report before they proceeded further on the topic.

Mr. *Bathurst* also bore testimony to the great difficulty of bringing up arrears, and producing regular accounts with minute detail. He denied that the system of those accounts was at all to be compared with the business of a merchant's counting-house. It was a mere business of audit at the war office, the minuter details being collected from a vast variety of other departments. The production of regular and minute accounts in the way proposed would cost the country infinitely more, in the addition of officers, than any real advantage to be attained was worth. It was therefore necessary either to increase the establishment, or diminish investigation. He should be happy to see the golden remedy promised by the hon. gent. who made the motion; but until it was explained and proved to him, he must be allowed to question its practicability.

Mr. *Huskisson*, respecting the money advanced to M. Charmilly, for the enlistment of foreign soldiers, said, that he rendered a fair and satisfactory account; but he himself fully coincided in condemning the enlisting such soldiers into our service.

General *Turleton* said, it was an established maxim in all French books upon military affairs, never to enlist into the army prisoners of war, the subjects of a hostile state.

Mr. *Peter Moore* thought it rather hard that his hon. friend who moved for those accounts, should be called on to produce and explain his plan, without first giving him the accounts which he required, as the data whereon to found that plan. When he received them, he had no doubt of his producing such a plan as the house would deem worthy of its consideration. The mode taken to remove the evil in the war office was utterly erroneous, and must continue rather to increase than diminish it. It was not by adding ten or twenty clerks to the office in this year or that, which could produce the desired effect, without due regard to the abilities and competence of those clerks. The men wanted were persons of real talent, and regular bred accountants, who were competent to investigate and detect mistakes, and not men who might be themselves peculators, and interested in passing fraudulent accounts. Of this class of persons he would state a case that came before the committee. One man produced an account on which he claimed a balance of 102,000*l.* due to him by government, and expressed his surprize that the money was not paid him. Another was called, and interrogated as to the accuracy of this account, and stated that the claimant, so far from having a just demand against government for 102,000*l.* was himself a debtor to government of 143,000*l.* making only a difference of 245,000*l.*; and in the counter statement to shew this error, there was an item in one line, for mistakes, 31,000*l.*

The motion was then put and carried.

HOUSE OF COMMONS.

Thursday, May 11.

[Mr. Madocks's Charge against Mr. Perceval and Lord Castlereagh.] Mr. *Madocks* began by moving that the Resolution of that house on the 10th Dec. 1779, be then read; it was read accordingly, and stated in substance, that it is "highly criminal for any minister or ministers, or any other servant of the crown in Great Britain, directly or indirectly, to make use of the power of his office, in order to influence the election of members of parliament, and that an attempt to exercise that influence was an attack upon the dignity, the honour, and the independence of parliament, an infringement of the rights and the liberties of the people, and an attempt to sap the basis of our free and happy constitution." Mr. Madocks next moved the Resolution of that house on the 25th April,

1809, be then read; it was read accordingly, and alledged in substance, "That while it was the bounden duty of that house to maintain at all times a jealous guard upon its purity, and not to suffer any attempt upon its privileges to pass unnoticed, the attempt in the present instance (that of lord Castlereagh and Mr. Reding), not having been carried into effect, that house did not think it then necessary to proceed to any criminatory resolutions respecting the same." Mr. Madocks then said, that before he proceeded to redeem the pledge he had given to the house of bringing forward the charges he had that day to adduce, he thought it right to remind them of the opinion they had recorded of that criminal conduct, of which he then rose to accuse two of their own body. Before he entered directly into the statement of his charge, he trusted that the indulgence of the house would allow him to make a few preliminary observations, arising out of and bearing upon the subject. In his attempt at that time to discharge his duty, he hoped that he would discharge it in a manner that became his sense of it; and in the first place, he was most anxious to abstain from every thing personal, from any thing that could give pretence for an imputation of the kind; for he could in truth say, that no such charge could be justly imputed to him. He was influenced by no personal motives, it was to measures he looked, not to individuals. He entirely overlooked the men in the system; a system which seemed to say, that corruption was necessary to govern Englishmen; a system, which seemed to say that the English constitution was inadequate without the aid of corruption to the purposes of good government, was insufficient without corruption for social order, foreign relations, or self-defence. He denied, in the name of the constitution, the necessity of such a system, and thought that any attempt to argue its necessity was one of the strongest proofs of its dangerous and fatal tendency. It was against such a system his hostility was directed, and when he stood forth in that house the avowed enemy of corruption, he felt he had a right to claim the alliance of the hon. gentlemen opposite in the same cause, who had recently stated that if instances of corruption did exist, it was the duty of the house to hunt them out, and drag them to light. In that feeling he shared with those hon. gentlemen, and trusted that the indignation they seemed to express at the theory of corruption would not be allayed by an exposition of the practice. He for his part, was no party man—he was bound to no man, or any set of men, except as far as he agreed with those who were anxious for the extirpation of corruption and abuses of every kind, and the restoration, in their original purity, of all the good and sound old principles of the constitution. This was what he looked for, and what, if the house and the country were true to themselves, he did not yet despair of attaining. It was a favourite opinion with some of the right hon. gentlemen that no times were less corrupt than the present, that this was, as it were, the age of purity. If such an opinion was well founded, it would be rather inconsistent with such an opinion, and not very conformable to the spirit of such times, to resort to any party expedient, in order to resist or to evade any direct charge of corruption against any individual whatever. Gentlemen, therefore, who thought so purely of present times, and public men, would no doubt, with a suitable jealousy, insist upon every charge of corruption being directly met, minutely examined into, and impartially decided upon. Upon a former night he had been accused of having been guilty of a violation of the usual courtesy of that house, in not having given the customary notice to the hon. gentlemen particularly interested in the charges he had to bring forward. To this he could only reply by reminding the house that two or three years ago, when a member of that house (Mr. Asheton Smith) presented the Hampshire Petition, it was objected by the gentleman charged with undue interference in the Southampton election, (Mr. Freemantle,) and complained of by his friends, that no notice whatever had been given that gent. of the charge to be preferred against him—but it was at the same time contended by those now composing his majesty's government, that the Petition should be received, and that the allegations contained in it should be brought under the special consideration of the house. In that opinion the house concurred; thinking then, as he hoped they would now, that where the charge was of so serious nature, involving the paramount question of their own privileges, it would not become their dignity or their justice to suffer themselves to be led away from so great an object by any light objection to mere introductory informalities. He did not wish to take any hon. gent. by surprise, nor was the charge he

had to bring forward calculated to do so. It was a charge that the moment it was heard might be rebutted by an innocent man, unless it would be contended that there were degrees of corruption now so sanctioned by prescription, that that house must necessarily connive at them. He was of an opposite opinion—an opinion founded upon the history of better times. In the whole course of the history of England he no where found that Sinecure Places and Offices, and Rotten Boroughs, were to be considered and venerated as comprising the palladium of England. He read no where that the constitution was only to be preserved by the preservation of its abuses. He rather believed that it would be best secured by rooting out such abuses; and that the spirit in which a memorable attack upon corruption had originated with an hon. friend below him (Mr. Whitbread), and in which another had been conducted so lately by his hon. friend (Mr. Wardle,) was the best stay to which the constitution could look for safety and support. Serious as the charges were which had been brought in both the instances he alluded to, they were comparatively trifling, when considered in relation to that most flagitious of all abuses, by which the influence of the Treasury was exerted in returning members to that house. In the good old times of the country, the crime was looked upon in its proper light—it was considered as fraught with the most dreadful consequences. In 1734, sir John St. Aubin declared in that house that such a system alone could give the last fatal blow to the liberties of the country, and that if the Treasury governed that house, the popular part of the constitution was gone for ever—that the people might continue to exist, but that the doors of that house would be effectually closed against their wishes and their wants. But he would read to the house the passage:—"For if a minister should ever gain a corrupt familiarity with our Boroughs, if he should keep a register of them in his closet, and by sending down his Treasury mandates, should procure a spurious representation of the people, the offspring of his corruption, who will be at all times ready to reconcile and justify the most contradictory measures of his administration—if the maintenance of his power should become the sole object of their attention, and they should be guilty of the most violent breach of parliamentary trust, by giving the king a discretionary liberty of taxing the people without limitation or controul, the last fatal compliment they can pay the crown; if this should ever be the unhappy circumstance of this nation, the people indeed may complain, but the doors of that place where their complaints should be heard will be for ever shut against them. Let country gentlemen, by having frequent opportunities of exerting themselves, be kept active in their contention for the public good, this will raise that zeal and indignation, which will at last get the better of those undue influences, by which the officers of the crown, though unknown to the several boroughs, have been able to supplant country gentlemen of great character and fortune, who live in their neighbourhood."—The nature of that influence branched out into so many and various ways of misapplying the money taken out of the pockets of the people, that it was impossible to have an adequate idea of its magnitude and danger, or to be too vigilant in retrenching the one and guarding against the other. He had already signified his intention of taking an early opportunity of submitting to the consideration of the house the present state of certain boroughs in England. He trusted that the statement he should then submit to the house would induce them to a revision of the entire system of boroughs. He should take the liberty of adverting at present to one or two instances of this borough influence. The first was the borough of Hastings, which consisted of only fourteen voters. The right of election being in the corporation. This borough was the property of Mr. Milwood and his son, who were agents for government, and were the mayor of the town alternately. The younger Mr. Milwood was comptroller of the excise, with a salary of 1,425*l.* per annum, a place which was nearly, if not quite a sinecure, though by the 5th of William and Mary, chapter the 30th, collectors and officers in the excise were interdicted from any interference in elections. If the sum of 1,425*l.* be multiplied by seven, it would be found that it cost the people for every parliament 9,975*l.* —With respect to the borough of Rye there were but six electors. Mr. Thomas Lamb was agent for the Treasury, and this gentleman was in the enjoyment of the lucrative situation of tally-cutter, another in the Exchequer, and was also cursitor of Hampshire. This borough was under similar restrictions as the last mentioned

borough of Hastings.—The next borough he should advert to was that of Cambridge. Here the agent for government was Mr. John Mortlake, a banker, and resident at Cambridge. This gentleman was receiver-general of the post-office, with a salary of 800*l.* per annum, and had a deputy, a Mr. Bowden, at a salary of 500*l.* a year, though by the 9th Anne, chapter 10th, officers of the post-office were prohibited from interfering in elections.—The next borough he should mention was that of Queenborough. The influence of this borough was divided between the ordnance and the admiralty. The amount of the salaries of the places held by the freemen of the borough under the ordnance and the navy boards was annually 2,368*l.* So that the public money paid to the electors of Queenborough, during a parliament of seven years or sessions, independent of other sorts of influence, amounted to no less a sum than 14,576*l.* Not to mention that the boroughs of Westbury and New Romney were openly sold for money.—But of all the various corruptions and abuses; of all the fatal misapplications of the public money, none he thought so imperatively called for an immediate check as the corrupt interference to which he had already alluded, exercised by the Treasury, to procure the return of members to that house.—This, continued Mr. Madocks, is poisoning the fountain of health. The only quarter to which we can look for the prevention or redress of other corruption. What, Sir, can be more fatal than to suffer any thing to vitiate the legislative, inquisitorial, and remedial branches of the constitution; it has been always held, in all periods of our history, that any corruption practised by individuals to obtain seats in this house, is an offence against the constitution, and laws have from time to time been enacted conformably to that principle; but for the executive power to attempt to corrupt the legislative, has been considered as most fatal, and your Journals and Resolutions proclaim the enormity of such offence in the eye of the constitution. Treasury influence, from the various shapes it assumes, may, in its nature, be divided into several classes; but that the most alarming and obnoxious is where public money is made instrumental to the return of members to this house, either by actually buying or selling seats with money, or by applying annually part of the taxes taken out of the pockets of the people towards the keeping up a corrupt influence in the boroughs which return members at the nomination of the Treasury, while those members again pay a certain sum of money to the Treasury for their seats, which money is carried to a certain fund, and then doled out to carry elections in other places.—But, Sir, having enumerated these cases, which, in my opinion, ought to be submitted to a Committee to examine, sift, and regulate, I now come, Sir, to a case of what I consider as aggravated in the extreme, and one that calls for an immediate investigation at your Bar. I mean, Sir, the case of the borough of Cashel in Ireland, in all the transactions relating to which at the last general election, and since that time, it will be found that the Treasury have conducted themselves not only directly in the teeth of your Resolutions, but have exercised an influence beyond all parallel, and have not only violated the constitution in the most unequivocal manner, but, have inflicted signal injustice on a most honourable individual, because he had too strict a sense of propriety to vote against his conscience, and what he felt to be his right line of duty. The conduct of the hon. gent. to whom I allude, has in this instance been so strikingly correct, manly and upright, that I am confident he will meet with, as he is entitled to, the esteem of every honest man. This is not an inchoate or unfinished act. Sir, it is to this case that, for the present, I propose to call the particular attention of the house, and to conclude with a motion for hearing evidence at the Bar, in support of the statement, the facts of which I am fully prepared to prove. I have so far departed from the proceeding of the other night, though I cannot, on a revision of the precedent, find that I am not fully justified in such a course. I affirm then, that Mr. Dick purchased a Seat in this house for the borough of Cashel, through the agency of the honourable Henry Wellesley, who acted for and on behalf of the Treasury; that upon a recent question of the last importance, when Mr. Dick had determined to vote according to his conscience, the noble lord (Castlereagh) did intimate to that gentleman, the necessity of either his voting with the government, or resigning his Seat in that house; and that Mr. Dick, sooner than vote against principle, did make choice of the latter alternative, and did vacate his Seat accordingly; to this trans-

action I charge the right hon. gent. (Mr. Perceval), as being privy and having connived at it; this I will engage to prove by Witnesses at your Bar, if the house will give me leave to call them; if the house will permit me to do so, I am satisfied that they could not take a more direct method to remedy the abuses in the representative system of such places as Hastings, Rye, Cambridge, Queenborough, and many other places that could be mentioned, where large annual sums were paid out of the taxes, in the maintenance of sinecure offices and places to uphold the influence of the Treasury in such boroughs.—I shall now, Sir, detain you no longer than by again asserting the purity of my motives. They originate in my aversion to such practices, which, (to use the concluding language of the ever-memorable Hampshire Petition), with all due deference to the superior wisdom of the house, I venture to describe as "calculated to bring into discredit the government of the country, and to shake the confidence of the people in the honour and independence of the House of Commons."—I have, therefore, like the Petitioners, felt it my bounden duty, not only to my constituents, and to my fellow-subjects, but especially to the house, to bring under their notice these outrages, as I deem them, against the liberties of the country, and I have been encouraged the more to do so by the Resolution which stands recorded in the Journals, which has been this day read at your table, and also by the language contained in the first paragraph of the Resolution which was recorded on your Journals but sixteen days ago.

Here the hon. gent. sat down, and immediately the Chancellor of the Exchequer rose, when lord Folkestone called the right hon. gent. to order, and contended that he need not withdraw, and ought not to be heard, according to the precedent of Shepherd, until the motion of his hon. friend was before the house. Here a short discussion, as to the point of order, arose between lord Folkestone, sir John Anstruther, and Mr. Horner, when, upon the Speaker's interposition, it was agreed that Mr. Perceval and lord Castlereagh should be severally heard in their defence, and be permitted to withdraw before the motion was put from the Chair.

The *Chancellor of the Exchequer* (Mr. Perceval) then rose, and said that he had waited for the decision of gentlemen upon the point of order, as he felt himself naturally anxious to conform to whatever was the wish of the house, as to the form of their proceedings upon the present occasion. He however acknowledged that he was prepared to expect the decision that had been made by the Chair, as to the propriety of his then speaking, and afterwards immediately retiring. He did not wish to quarrel with or canvas whatever might have been the wish of the house, as to the manner in which he was to act in the present instance, but he thought that the usage of the house on such occasions was founded in wisdom, as the presence of the individual accused during the agitation of the charges against him might be fairly suspected to operate in a way that would fetter and restrain the freedom of the discussion itself. At the same time he felt that that order of the house was not without its inconveniences as well as its advantages. It might be as much, if not more necessary to the just vindication of a man's innocence, to hear the close of a discussion of that sort as well as the commencement, and perhaps the progress of it as much as either; but be that as it might, the course being otherwise, it was for him now only to abide by it. And here he was free to confess, that he felt exceeding great doubt as to the line of address which it best became him in that situation to pursue. If he thought it mere criminatory proceeding against an individual of that house, for alledged mal-practices, there he could have no doubt that the house would willingly entertain the Charge, and of course the individual would proceed at once upon his defence, meeting the charges either with direct denial, explanation of the fact, or examination into the law arising out of the fact. But with respect to the present charge, he confessed that he could not look upon it in that simple light. As well as he understood the hon. gent. he intimated in the opening of his charges, that there was still behind them a mass of other matter; and, indeed, that intimation had been sufficiently illustrated in the detailed statements entered into by the hon. gent. respecting the boroughs of Hastings, Rye, Cambridge, and Queenborough. By stating these circumstances it did appear that it was not so much the vindication of the injured honour of that house which was the object, as that more general one of following up the pursuit of what was denominated 'a certain system.' This, it

seemed, was to be a first step to general Reform. The notice with respect to the great measure itself appeared to have been withdrawn, and this proceeding to be substituted in its place. If this was so, perhaps the house would think it right to pause, before they lent their sanction to such a mode of introducing the discussion of any great public question; (hear, hear!) Perhaps they would feel it to be their indispensible duty not to establish a precedent that would introduce a system of inquisitorial proceedings, fraught with the most violent inroads upon all species of private and social confidence (Hear, hear!). No matter through what means the charge had been elicited—no matter how sacred the confidence the discovery had violated, or how solemn the engagements it had broken through, (hear, hear!) at any period it would be ill advised to establish such a precedent, but particularly so at the present day. They lived in a time in which the popular appetite fed upon attacks on public men. The favourite doctrine was, that public men must be necessarily corrupt; and they were the purest patriots who prosecuted most charges against them—they lived in a time when they saw individuals raised to the highest state of popularity, and honoured with crowded tributes of the nation's gratitude and applause for prosecuting such charges. Those who were ambitious of the same flattering distinctions might think it wise to pursue the same course—no matter whatever the means, if the end could be attained. They had seen private confidence abused—they had heard of letters being seized in the unsuspecting moments of social intercourse, and had known serious charges to be grounded upon the public disclosure of those very letters (hear, hear!) and they had seen those who thought it necessary to resort to such means, not to confirm, but to institute a charge which ranks high in the esteem and veneration of the people of this country; whether at such a time it would be wise to warrant such species of charges as merely introductory to the agitation of the great question of Reform, he left it to the house to determine; but as far as he might be allowed to judge, he rather thought that it would be more consistent with what was due from him to the house and to the public, if he, for the present, declined putting in the plea (he could so conscientiously put in), until that house had come to a determination on the propriety of entertaining that charge or not, (hear, hear!) protesting at the same time against any, the slightest inference of his guilt from his deferring such a plea till after that decision.—Then would he come before them prepared, and indeed (what he was not yet) in a manner authorised to meet that charge, and explain, as he trusted he could do, every particular relating to the transaction upon which the charge had been grounded; and he did not despair of that explanation proving satisfactory to the house, and vindicatory of his own honour. Before the house had come to such a decision, he should not hold it wise in any public man to enter into an explanation of the circumstances upon the one side or the other. He should say no more, but make his bow to the Chair, as was usual in such cases, and leave it with the house to determine as they in their judgment might think proper.—The right hon. gentleman then made his obeisance to the Speaker, and retired amidst the general cheers of the house.

Lord *Castlereagh* then rose, and said, that he could not express what he felt on this occasion better, nor more adequately, than by adopting the statement which had been made by his right hon. friend who had just left the house. He had nothing to add to that statement, and fully adopted every part of it. Whatever might be the practice on similar occasions, he could not, under the circumstances in which he was placed, sit in the house during the discussion of the question. He did not conceive that he was in the present stage of the business bound to give that explanation which he was confident he could, if it should be the pleasure of the house to enter into the investigation. To the house, therefore, he should leave it to determine, whether he should be called upon to give that explanation, which at present he was prepared to do, if it appeared to him to be called for, on this occasion. (The noble lord then made his bow, and withdrew).

Mr. *Madocks* then explicitly moved, That the said Charge against the right hon. Spencer Perceval and lord viscount Castlereagh should be heard at the bar on Monday next.

Mr. *Tierney* suggested the propriety of having the Paper, from which the honourable member had read the information he communicated to the house, laid upon the table, in order that gentlemen might have an opportunity of ascertaining what the

information was. At present they could only collect it from what they could remember of the speech of the hon. gentleman; and many members, who had come into the house since the hon. gentleman had concluded, could not possibly have any knowledge of the information it conveyed. He thought it right that before the house should come to a vote, they should know exactly what it was upon which they were to decide.

The Precedent was then read by the Clerk at the table.

The *Speaker* stated that it would be convenient for the house to know whether it was the intention of the hon. mover to regulate his future proceedings by the precedent in the case of Mr. Samuel Shepherd. He wished that the two Resolutions subsequent to the information being given by a member in his place, should be read. —The two Resolutions were accordingly read:—the first, where a reference was made to the protest of Mr. Shepherd, as to his innocence, and the next as to the particular boroughs, viz. Newport and Wootton Basset, where he had been guilty of the corrupt practices, and the course pursued by the house in consequence.—From this precedent it did appear, resumed the Speaker, that after the member made the information to the house, a motion was made to hear the accused at the bar, previous to which hearing the particulars of the charge were ordered to be given to them in writing; and, lastly, that a particular day should be fixed.

Mr. *Whitbread* said, he apprehended it would not have been consistent with the course of proceedings, had his hon. friend given in any written charge, and that therefore this being an oral charge, he could have no objection to leave out of the motion, now to be made, the naming any specific day, when it should be heard at the bar. We all knew, that in the late case relative to the Duke of York, the charge was orally made, and yet the house appointed a committee to inquire into the charge. As to the statement of his right hon. friend near him, (Mr. Tierney) that many of the members did not understand the nature of the charge, he had to observe, that it was always presumed that all members were in the house, and that the house collectively speaking was that body present at the time the charge was made, with the exception, that the individual charged must be necessarily present, particularly where an oral charge was made. To remove all objections to the motion, he thought that the word 'now' might be left out, so as to leave the day when evidence should be heard undetermined.

Mr. Secretary *Canning*. This is of the nature of a double question, the latter part presuming an affirmative of the former; and therefore when it is said that the charge shall be taken into consideration upon a certain day, the hon. gent. takes it for granted that the charge shall be gone into. This would render the motion objectionable, but if so altered as has been suggested, I apprehend there can be no objection to the charge being entertained, and the first question upon an oral charge is certainly as to whether it shall be entertained or not. If it be determined that it should be entertained, it will then become a matter of justice that it should be put into so clear a shape, as that it may be delivered in writing to the members so charged; and in order that the house may be enabled to know what they are to discuss upon a future day.

Lord *Folkestone*. If the house be to conform itself to this precedent as a standard, I hope they will adopt it strictly, for otherwise we shall fall into error. The right hon. gent. opposite says, he hopes that the charge will be given to the accused in a particular form; that may be very convenient to him and his colleagues, but it is not so in the precedent, for in it there appears to have been merely a statement of the names of places, where corruption and bribery had been alledged to have existed. There can be nothing less precise or particular than such a charge; and therefore I think it will be sufficient, to deliver in the present one in as general words as were used upon that former occasion.

Mr. *Madocks* then begged leave to move, "That the matter of the Charge be heard at the bar of the house."—Mr. Whitbread and sir F. Burdett both rose to second the motion.—Upon the motion being put from the Chair,

Mr. *Cartwright* said he was decidedly adverse to the motion, and whether he referred to the notice upon which it was founded, or the opinions of the hon. gent. who brought it forward, as expressed in the Resolutions which he seconded at the Crown and Anchor, he could only consider it as the first step to Parliamentary Reform. Mr. Cartwright was not ashamed to acknowledge himself one of those, far too much attached to the constitution as it

is, and far too sensible of the blessings so abundantly diffused throughout every class of people in this country, to give his support or countenance to any change or innovation. He wished however to guard against being supposed an advocate for corruption; it was not the case, but in his opinion we had the means of correcting abuses already in our hands. The courts of law were open, and recourse might be had to them. He would not risk the loss of the blessings and advantages we now possessed, in pursuit of any wild or visionary object of Reform. We had much to lose, and little to gain; and whatever might have been the language lately held at public meetings, he should ever maintain there was more real liberty, more real equality of condition, more equal administration of justice, more security of property and person, and more genuine principles of freedom in this country, than ever existed heretofore in any other nation upon earth.—With respect to the question of Reform, he conceived there were three points to be considered: The evil, the remedy, and the motive. He had no difficulty in saying, in his opinion no evil existed; there was no evil to be complained of, and consequently no remedy to be applied; and even those who did think there was something which required correction, did not, any two of them, agree upon the remedy. It was said on a former night, that should Reform of Parliament be determined upon, the advocates for it would not know where to begin or where to end. Mr. Cartwright did not agree with the right hon. gent. (Mr. Windham) who made that remark—they would know where to begin, because they would begin by pulling down, and then not know what to re-build. With respect to the motive, a celebrated writer had said upon the subject of Reforms, "Beware that it be the reformation that draweth on the change, and not the desire of change that pretendeth the reformation." Mr. Cartwright would not impute any improper motive to any member of that house; but he had no doubt there were many out of the house, whose object it was, under the pretence and cover of Reform, to introduce confusion, and prepare the way for revolutionary projects. It was said our rights and liberties were in danger. Mr. C. could not help calling to the recollection of the house, how often the cry of liberty had in all ages been perverted and employed as the instrument of mischief; and how often the champions of liberty had become the first to trample it under foot, when they had succeeded in attaining their end, and in overturning the constitution—"Sunt qui, ut imperium evertant, "libertatem præferunt, si perverterint, ip-"sam libertatem aggredientur." In what had France benefited by the change which had taken place in that country? without having been partial to the old government, Mr. C. would ask what had been gained by the new government? What but the extreme of military despotism, and every sort of tyranny, injustice, and oppression. What was the origin of the present clamour and discontent? The Duke of York's misconduct—and what had the case of the Commander in Chief to do with the incomplete state of the representation in the House of Commons? Mr. C. was sorry to see the tone of triumph which had been displayed in so many parts of the kingdom upon this subject. Mr. C. was himself one who thought the Duke of York ought not to continue in office; but he deeply lamented the circumstances and occasion of it; and could see in them no cause for triumph or exultation.—Mr. Cartwright had thus freely stated his sentiments, avowing himself no friend to Reform or innovation. But were he of a different opinion, and had he been an advocate for Reform, he should not think the present a proper moment to begin upon it. We were engaged in a most serious contest with the most formidable enemy this country ever had; an enemy increasing every day in power and aggrandizement, and intent upon our destruction. He could not think it right at such a moment to sow divisions amongst the people, or encourage dissatisfaction and discontent. But it was said the general sense of the nation had been manifested in favour of Reform of parliament—he denied it to be the case—partial meetings, he was aware, had taken place, and he should mention one which had happened within his own knowledge, and in the county which he had the honour to represent. Seventeen persons signed a requisition to the mayor of Northampton to call a meeting in the town-hall, for the purpose of thanking the hon. gent. who took the lead in the investigation of the Duke of York's conduct; seventy-one persons signed a counter-requisition against it, and the mayor in consequence refused to convene a meeting; and none took place in the town-hall; but the seventeen persons met at an inn in the town of North-

ampton, and there passed their Resolutions, which Mr. C. supposed would be represented as the sense of the inhabitants of the town. Mr. C. could not think this a fair way of estimating the opinion of the public.—With respect to the particular cases adduced by the hon. gent. on this occasion; he should only say, that whatever the house might think it right to do hereafter, whatever regulations or restrictions might be determined upon in future, respecting the sale and disposal of seats in parliament, it was wholly inconsistent with every principle of common equity or justice to act upon them retrospectively. There was a bill now before the house relating to the subject, and whatever might be its fate, it would undoubtedly receive a cool and impartial consideration. He should give his decided negative to the motion.

Lord *Milton* observed, that if the last speaker was even correct in the motives he attributed to the hon. gent. who brought forward the present motion, he must assure him that if such motives were justified, those who supported the motion were actuated by inducements wholly different. For instance, if he thought that the present motion tended to the success of the question of Parliamentary Reform, he would have been the first to oppose it; because he was free to say, that from its adoption he could not foresee any practical benefit. He still was impressed with the necessity of correcting public abuses, and none more imperatively called for correction, as none were more dangerous, than palpable and evident interferences of the king's ministers in obtaining the return of members to that house. In giving such an opinion, and whilst he voted for the motion in part, he still, in whatever way it was decided, should not think one jot the worse of either of the right hon. gentlemen accused, or that they were in any degree more criminal than all former governments. The evil ought, however, to cease, and any prospective remedy should have his support. As leading to that object he was anxious to refer the consideration of this charge either to a Parliamentary Commission or to a Select Committee, convinced that the greatest injury had evinced itself by giving a parliamentary strength to a government which did not possess the confidence of the people. The noble lord concluded by moving as an Amendment, That in place of the words "at the bar," the said Charge be referred to a Select Committee.

Sir *Charles Morgan* observed, that it was the duty of every man to make a stand now, in support of the dignity of that house, and of the happiness of the people. He did not wish to see every public man, who was at present, or might at any time be employed in the administration of government, vilified and calumniated, and themselves thus rendered incapable of serving their country; therefore he should object to the motion. Would the hon. member stop here? would he be satisfied with his present victims? Certainly not: more, many more, would be brought to be filtered through the vessel of Reform. He did not wish to see a new order of things. He did not wish to see the valuable time of that house taken up in censorial proceedings against its own members, instead of being engaged in forwarding the public business. He had heard much of the sense of the people. No man valued the approbation of the people more than he did, or regretted their disapprobation more; but this was a case in which he could not suffer himself to be influenced by any thing but his own impressions. He should give the motion his decided negative.

Sir *John Anstruther* rose to oppose the motion, not from any partiality to the individuals who were the objects of it, but from a partiality to the constitution of the country, because those individuals formed a part of the executive government under this constitution. If this proceeding should be adopted against the present government, a similar proceeding might be directed against any other government. The hon. gent. who brought forward this motion had stated that he was no party-man. Did the hon. member mean by that declaration, that he did not agree in the opinions of the great body of those who sat on the same side of the house with him? If he did, he had stated a great truth. But there was another party, to which he did not know whether the hon. member belonged; nor should he be solicitous to inquire, if the motion of the hon. gent. was calculated to promote the views of that party. The object of that party was to level every thing that was above themselves. Being unable to level up, they were determined to level down. Though he did not say the hon. member belonged to that party, he must say, that his motion was calculated to promote the views of that party. The hon. member had, however, acted with candour; because though he said he should begin with

Cashel, he also stated that he should not stop there, but go on to other cases, to a series of investigations, which he meant to institute in that house. He first meant to go to the government, and thence he would go to individuals, so that no person could possibly conjecture where he might stop. But his objection to the hon. gent.'s motion was, and a considerable objection it was, that he had not stated what he meant to do in the committee. He should have taken his whole case at once, and not proposed to go on with the business by piece-meal. The course the hon. member had in view was to go to one committee with one point, and then to another on another point, and so in succession, which would lead to endless committees. This motion had been represented as the first step to Parliamentary Reform. All who knew the practice of his life must know that he was no friend to Parliamentary Reform; but this motion formed no part of that question. The hon. member proposed, by putting information on the table against one member, and then against another, to prosecute his object in a succession of charges. But this would have no effect but to gratify that appetite for slander, which had been excited amongst certain descriptions of the people, and to create and keep alive a taste for Reform. Indeed, the motion would lean not to Parliamentary Reform, but to parliamentary destruction. But here he begged to be understood not to mean, that to bring charges for abuse or corruption against any individuals in that house, would lead to parliamentary destruction; quite the reverse. It was to bring charges upon such information as the hon. member had given to the house, that he thought would lead to destruction. He agreed with the noble lord (Milton), that it was desirable to resort to prospective measures, to prevent the influence of the crown upon the votes of members of that house: but to refer this charge to a committee up stairs, was not the way to attain that object. What he condemned was the mixing prospective measures of prevention with retrospective crimination. When the noble lord (Milton) who stood so high for honour, loyalty, and honesty, had stated, that if the whole of the charges were proved, he should not think the worse of the individuals to whom they referred, could the house think that there was any good ground for entertaining them? The right hon. baronet then proceeded to animadvert upon the charge, and the ground laid for proceeding with it. He contended that it was brought forward, not on information but surmise; and that if the hon. member had received any information upon the subject, it must have been through the breach of every principle of honour that existed in civilized society: and that the information derived from the rascality of a few persons, or the general surmise of the hon. gent., was made the ground of a charge which would gratify the appetite for scandal, which had been industriously excited in the public mind. —The right hon. baronet again objected to the committee, because the measure brought in by his hon. friend (Mr. Curwen) shewed a disposition in the house on all sides, to provide prospectively against the evils complained of. As to the sense of the public, that house never would, because it never could, resist the fair and legitimate voice of the people. It should not, however, suffer itself to be influenced by clamour, but maintain a steady integrity, neither yielding to the influence of the crown, nor giving way to the clamours of the people, anxious to do its duty with fidelity, and to deserve the gratitude of an affectionate people.

Mr. *Curwen* had never risen in that house under more difficulty, because both his wishes and his duty inclined him to adopt a different line of conduct. His wishes prompted him to put an end to this question at once; but a sense of duty made him feel that something was due on such an occasion to the dignity of that house, to the nature of the charge, and to the character of parliament. He agreed with the noble lord behind him (lord Milton), that the more eligible course would be to refer the charge to a committee above stairs. The charge was of such a nature, that if the hon. member had brought it forward lightly or upon weak grounds, or should fail in substantiating it, much injury must be the consequence to the public. He did not himself believe that the hon. member would have brought forward this charge without having good grounds for it. The house was placed in an embarrassed situation by this charge, which consisted of two parts; the first was that of undue influence used to bias the votes of members of that house; the second, that corrupt means had been employed to procure the return of members to parliament. The charge he considered a grave one, and if the house should pass it over without no-

tice, he must think that it had dealt out a hard measure of severity to his royal highness the Duke of York; and yet if this charge should be gone into, it was impossible to say where the investigation of such charges would end. If there had been an endeavour made to create an improper feeling in the country, he should condemn it as much as any man; but he was persuaded that the sentiments which had been expressed had sprung from the people; and certainly not from any feeling of triumph over the illustrious person, whose case had given rise to the expression of these sentiments. He could not suppose, that the people of this country, who had, during the last twenty-five years, manifested such an affectionate attachment to their beloved sovereign, could in this instance have been capable of such feelings with respect to one of his family. It was morally impossible that their sentiments could have been so changed at once. The hon. gent. opposite (Mr. Cartwright) had said, that he was for the existing state of things. For himself, he could say, that he was for the constitution, but not for its corruptions; and the best means of preserving that constitution would be to correct any abuses which may have crept into it. Though a friend to rational reform, he did not think the present a proper time for bringing forward the measure of Parliamentary Reform That question would better be deferred to another period. But no time could be unseasonable for the correction of abuses, and all our statutes speak in a decided manner against corruptions. He should wish, therefore, that the part of the charge relative to influence exercised to sway the vote of an individual member of that house should be examined. If he, however, had any influence with the hon. member, he would have dissuaded him from bringing forward this motion: because it might lead to exposures, which might be attended with very injurious consequences: and the hon. member must have observed a disposition in the house to prevent such abuses as his charge referred to in future, from the reception which the measure he had the honour to propose had met with. They should, if possible, cast a veil over the past, and take measures to prevent the recurrence of the evils complained of in future. He lamented the vote he should be obliged to give for the motion of the hon. member. But he was in such a situation, that he must do it, or do nothing.

Mr. *Biddulph* supported the motion, which in his conception related in no way to Parliamentary Reform. He never adopted the opinion that all public men were corrupt; but whether the assertion were true or false, the best way of deciding it was by investigation.

Sir *F. Burdett* said, that on a question which so nearly concerned the character and honour of the house, he was anxious to hear the opinions of persons of more experience than himself. The subject under consideration, was one of the most important that could engage the attention of parliament; and one in which the character of the house was more involved, he could not well imagine. As to what related to the point of order, he would undertake to shew, that in whatever point of view it was considered, the conduct of his hon. friend, as well on this as on a former occasion, was strictly parliamentary, and that it was supported by usage and precedent. He had examined into the proceedings on former occasions, and from a great variety of precedents from the earliest period of the constitution to the present time, he could shew that the house had always received the assertion of a member in his place, as information sufficient to exercise its inquisitorial functions. In exercising these inquisitorial functions, in the better times of our ancestors, it was not the practice when a member preferred charges, to retort upon him, to question his motives, and the authenticity of the facts into which he proposed to inquire. Formerly they decided that even common fame was a sufficient ground for investigation. By this he did not mean mere rumour in the streets, but that general kind of report and understanding which came within every man's knowledge and belief. He should like to see the man who would stand up in that house, place his hand upon his heart, and say, upon his honour, that he did not believe that such abuses existed, as it was the object of his hon. friend's motion to investigate. He did not believe there would be one found who would stake his veracity and character upon such a point. Why was there such a reluctance to entertain this question? Was it from the dread of French principles? Why, this was the very way to avoid the danger of such principles, and the dreadful consequences that flowed from them. Did any man deny that the fact charged did not exist? If there did, he should be glad to listen to his argu-

ments, and to be confuted by his reasoning. This was the only nation in Europe which was not subverted by French principles, and he feared now by French arms. The people of England asked for no innovation; they called for nothing that was not their right. He was not surprized that those persons who, on a former occasion, called for accusation in a tangible shape, should perceive the folly of their conduct, and now shrink from an investigation into what they called falsehood, and calumnies.—He would now, with the permission of the house, say a few words on the subject of that dreadful monster Parliamentary Reform. A noble lord (Milton), with an indiscretion honourable to himself, perhaps, and incidental to youth, had expressed himself decidedly against agitating the question at this time; and, indeed, his sentiments seemed to go the length of condemning the principle of the measure altogether: this was not the proper time for discussing the propriety of a measure, which he conceived indispensably necessary to the salvation of the country; but when the time did arrive, he should be prepared to support it. The noble lord had also said, that he should not think a bit the worse of ministers if they were found guilty of these charges. In this sentiment he perfectly coincided with him, though not precisely upon the same grounds. A gentleman under the gallery (Mr. Cartwright) had talked a great deal in praise of the blessings of the constitution, and the liberty we enjoyed; but did he recollect that this was an instrument upon which another tune could be played? Where he saw beauties, other persons could only perceive deformities. For his own part, he wished for no innovation. The principles that he was anxious to see adopted were to be found in the statute book. It was impossible the constitution could exist if its vitals were to be palsied by corruption. He considered it a great happiness that the country looked to this house for redress, amd if they refused inquiry, the undoubted conclusion would be, that they wished to shelter the persons against whom the charge was made by his hon. friend, and that these persons were guilty. An hon. member (Mr. Curwen) was of opinion that his bill would preclude the necessity of any investigation of this kind. Now, he was not quite so sanguine respecting the efficacy of that measure. The effect of it, he thought, would be to leave the corrupt borough in the market, and take the purchaser out of it. The effect of it would be to throw all the corrupt representation into the hands of the Treasury, who had other means of corruption in their power besides the mere giving of money, and to render it impossible for a man of great landed property and local influence to find a person to represent that property and influence.—One word more with respect to informality. He could perceive that the accusation made by his hon. friend was not agreeable to the feelings of the house, but he would maintain that he was strictly parliamentary. He informed the house of the facts, and he offered proofs of the charges. That was the whole extent of the motion before the house, and it would be seen by their decision what value they set upon the future opinion of the country.

Mr. *Davies Giddy* thought that those who were so loud in the condemnation of corruption did not sufficiently distinguish between corruption, properly so called, and the influence which property would always have in every well regulated society. The influence of property was one which ought to prevail as well as that of ability. He would always be glad to have some eminent lawyers in the house; to see gentlemen of the army and navy there. The landed interest ought unquestionably to have its full weight, but he saw no reason why those who had their fortunes in chattels or money should be excluded. He saw no reason why some of the Directors of the East India Company should not possess seats in that house, since they had important interests to defend. (Hear, hear! in one quarter, and a laugh in another). There never was a question of importance discussed in that house, without a proof that the interests affected by it had some persons to represent them. —Under this system the country, in spite of all the wars in which it had been engaged, had flourished. Every town had been improved: new harbours had been constructed; and manufactures and trade encreased together. These were blessings not to be rashly risked for any fanciful schemes of reform (Hear, hear! from Mr. Windham). At the same time, where corruption was proved to exist, he would concur in adopting the proper means to check it; always, however, distinguishing between corruption, and that just and proper influence which ought to be inseparable from property.

Mr. *Tierney* expressed his wish that the charge against Mr. Perceval should be separated from that preferred against lord Castlereagh; and observed, that in the case of Shepherd, the charge had been given in writing, and he hoped the hon. gent. would give in his charge in this way, that gentlemen might clearly understand upon what they were to vote. He thought this question had, strictly speaking, nothing to do with Parliamentary Reform, for the offence was one which might be committed under any circumstances. The charge against Mr. Perceval and Mr. Wellesley was so vague, that he should be ashamed to receive it in its present shape. But as to the charge against lord Castlereagh, that certainly deserved attention, both from its being more distinctly laid, and from the circumstance that 167 members of that house had already pronounced that noble lord to have been guilty of a breach of its privileges.—With regard to Parliamentary Reform, Mr. T. said, that he was as warmly attached to that measure as he had ever been. It was one of the greatest advantages of the constitution, that when things went wrong the house had the power of making them better. He, however, was perfectly aware of the inconvenience of the time which had been chosen to bring forward the question; chiefly because it did not appear to him that either the sense of the country or of Parliament was decidedly in its favour. The question had been raised merely by the business of the Duke of York; and he believed that there were many who supported the cry for Parliamentary Reform who had no specific view of the subject which they themselves desired to attain—(Hear, hear!) What many, he believed, understood by Parliamentary Reform was a relief from the weight of the taxes. He must have little associated with the various classes of society in this country, who was not convinced of the deep-rooted complaints which were called forth by the burthens of the taxes, and the manner in which they were collected. If any one would for a moment consider the weight of all the other taxes, added to that of the Income Tax, he would not be surprised that numbers were disposed to listen to any proposal which promised an alleviation of that burthen. There was no disposition any where for overturning the establishments of the constitution; but the people readily listened to those who from good or bad motives proposed Reform, because the idea went to encourage the hope that by this Reform they would be in some measure at least relieved from the pressure of taxation. But that was a sense in which he did not wish Reform to be understood. Nor would he be in the least accessary to the propagation of such a delusion. The discussion of the subject of Reform, however, did not at all call for a question like that now before the house. If they intended to bring the subject of Reform before the house, why did they not do it directly? Why should they think it necessary to begin by attempting to degrade all public men and every government?—The late Mr. Pitt, Mr. T. observed, had gone farther in his project than the mere prevention of the sale and purchase of seats, for he proposed that the burgage tenures should be bought up, as they had subsequently been in Ireland. But among all the schemes of Parliamentary Reform of which he had heard, he had never known of a commencement like that which the house was now called upon to adopt. He knew that a wonderful degree of popularity might at present be acquired, by saying that one belonged to no party. But of this kind of popularity he was far from being ambitious, because without being a party man it would be impossible to accomplish any great object, and because he was persuaded that the country had derived more advantages from party warfare in that house, than from any other circumstance whatever. He therefore wished for none of the popularity that must result from his being no party man. He was a zealous party man, and only wished he were a better. But the gentlemen themselves who had set up this cry of "no party," after all, constituted a party. They attended and voted together on questions which some considered as of minor importance, but as to those which were generally considered as of the greatest consequence, such as the fate of armies, they did not think it necessary to give any vote, and all stayed away. They proceeded in all this as if they were acting under a leader; and a leader, be he who he may, they either had, or must soon be compelled to appoint.—One of the most remarkable characteristics of this party was the attention which it paid to stage effect, (Hear! hear!) in carefully concealing the ultimate object at which it aimed (Hear! hear!). Of the two other parties, they gave the preference to the gentlemen on the other side; but

yet the only result of that preference was a charge against two of them by which they were compelled to leave the house (Hear! hear!). But why did they think ministers better than those who sat near him? The reason very probably was, that a weak administration might be more valuable to those who had such views. For all this he might expect to be subject to reproaches. The usual cry would be renewed, "When any motion is made against corruption, the parties immediately understand each other, and join against it." There was, indeed, one charge against him, a very heavy one in their opinion, which he could not deny. He had certainly been in office: but these gentlemen referred the house to the reports of their committees in support of their assertions, that corruption prevailed in every department of the state. Did they really believe it possible, that, in the management of so many complicated concerns, and of so large an expenditure, no mal-practices should at any time occur? It could not be done; and hence the advantage of appointing committees from time to time. The abuses were not, however, greater perhaps, than might have been expected; and these being pointed out in the reports, the house had an opportunity of applying the remedies. Many improvements in the conduct of various departments had been the consequence of this mode of proceeding.—Mr. T. then observed, that he differed widely from the hon. bart. with regard to the bill of his hon. friend (Mr. Curwen) behind him. He thought the bill would do a great deal of good; but if the hon. bart. (Burdett) was of opinion, that the security which it proposed against the sale of seats was not sufficient, he himself ought to attend and propose a better. It was sufficient for him, however, that parliament had agreed to the principle, that such trafficking in seats ought to be abolished. He saw no reason for going into the past; and he asked, whether any thing could be more unjust than to turn round upon two gentlemen, whose conduct had not been attended with any peculiar aggravation. Mr. T. however, acknowledged that some reform there must be, and the more gradual he would be the better pleased. Something, however, must be done to remove any injurious impressions which the people had of that house. The landed interest ought, for obvious reasons, to have the greatest weight in the house, though it ought not to be all in all. The monied interest ought to have considerable influence. But at the same time it was proper that mere money should not procure a seat in that house, and give rise to speculations which no one could see without pain. But it would be great injustice to render a few individuals the victims of a system which did not commence with them. He concluded by saying, that he would move an Amendment to the Motion, with a view to exclude that part of the charge relating to Mr. Perceval and Mr. Wellesley, and to retain only that which related to lord Castlereagh.

The *Speaker* said, that though an oral charge was perfectly regular, yet it was necessary to have the allegations recorded; and called on Mr. Madocks to furnish the Clerk with a copy of his motion.—This being done, and the Charge, being an epitome of the accuser's speech, read by the Clerk, the Speaker noticed that the motion contained two distinct points; first, a charge of trafficking in the seats of that house; and second of influencing the vote of its members. He then explained the manner in which the question would be put, and informed the last speaker of the mode in which he could introduce his Amendment.

Mr. *Tierney* explained. If the Chancellor of the Exchequer was privy to the second part of the charge, he had no wish to exclude him from his Amendment.

Mr. *Whitbread* expressed his astonishment to hear the measure of Parliamentary Reform objected to by his right hon. friend in point of time; the more so as that objection was grounded upon the same arguments which his right hon. friend, he, and others, had on former occasions to encounter from the other side of the house. With regard to the public meetings, from which declarations of opinion had been published upon the subject of the decision of the house, relative to the conduct of the Duke of York, he maintained the right of the people to express their opinion upon any public question, asserting that there were numbers among the public who were as competent to form a correct opinion upon that or any other question, as the members of that house. To think otherwise on the part of the house, he would consider as an indication of arrogance and folly. The people had the whole of the evidence before them with respect to the transaction alluded to, and upon that evidence they thought proper to come to a conclusion directly contrary to that of the house. Was

it to be wondered at, that such a conclusion, and the considerations connected with it, should have induced the the mind of the country to conceive that all was not right in that house, and that some reform in the representation was necessary. As to the attack which it was alledged was systematically made upon public men, he wished to know whether serious disposition to very gross attack did not prevail against those who were anxious to expose and punish abuses, even more than against those who were supposed to profit by the existence of such abuses. He remembered, not many nights ago, to have heard it stated in that house by an hon. gent. that he would rather be Mrs. Clarke with all her vices, than pursue the conduct of the hon. gent. who brought her forward. This he offered as a specimen of what those were liable to who struggled upon the side of the people, and as some counterpoise to the murmuring of those gentlemen who felt so very indignant at accusations, accompanied by an offer of proof, which still they would not suffer the house to receive. So that although their pride was hurt, and their character impeached, they would not allow their principles to be vindicated. Although he supported the motion, as he would any measure connected with Reform, or the correction of abuses, there were two points in which he differed from those so pointedly alluded to by his right hon. friend: for he neither disclaimed party, nor did he profess that extraordinary purity, which was described as a cloak for mischievous designs. Giving every man credit for all the integrity that he could consistently claim, he believed there was no public man whatever whose motives were not of a mixed nature. His own motives he confessed to be of that character, and still he believed himself as well disposed to do good as any other man; and in the prosecution of that good he would not suffer his mind to be warped by popularity either within or without doors. Parliamentary Reform he conceived to be the greatest good the country could experience, and therefore he sought for it. He thought it necessary in order to prevent convulsion; but he never did think, nor did he ever say, that it would operate like enchantment, as a panacea for all evils. He never was deluded by theories, but looked for that Reform only which was sought for by so many great men, by Mr. Blackstone, by Dr. Paley, by Mr. Fox, by Mr. Pitt, and many others. If these great men could now be communicated with, if one of them at least were enabled to offer his advice, sure he was that that wise man, whose principles he contracted at his outset in political life, would strongly recommend the conduct he was now pursuing.—Several gentlemen, particularly about the ministerial bench, had, he recollected, professed their resolution to wage war with corruption; but if such a case as that then before the house did not rouse them to act, he could not conceive when they would give battle. Here were two ministers of state accused of receiving money for a seat in that house, calling upon the person purchasing such seat to vacate, because he would not vote against his conscience. How the money arising out of the purchase had been disposed of the house was yet to learn. The Chancellor of the Exchequer had talked of the violations of social confidence in the disclosure of this transaction. But in fact there was no social confidence in the case on the part of his hon. friend. The information he received he laid, as was his duty, before the house, and it was for the house to decide how it would act for the preservation of its own honour and character. But it was pretended, that as there was such a disposition to abuse public men, it was here proper to make a stand against inquiry.—What, in such a flagrant case? The present ministers would not determine upon such a stand in the instance of the Hampshire election. They would then prosecute Mr. Freemantle with the utmost rigour for writing a letter to a single voter: and yet now they would claim complete impunity for the Chancellor of the Exchequer and lord Castlereagh, who had sold a seat to a member upon certain terms to obtain his vote, and afterwards turned him out of his seat because he would not vote against his judgment. If such a case as this were overlooked, the house might as well, in his opinion, expunge its Journals, burn its statutes, and blot out the constitution. But, gentlemen asserted that there was no precedent for these retrospective inquiries; Did they forget that, in one of the most corrupt periods of our history, at the close of sir Robert Walpole's administration, a committee was appointed to inquire into the abuses of that administration for no less than ten years back? In these gentlemen, who voted against lord Castlereagh upon a former night for an act of corruption, which was only inchoate, he thought it would be

exceedingly inconsistent to vote against this motion, where the act was alledged to be complete.—The opinion in favour of Reform he believed to be much more general than it had been at any former period, and it was very easily to be accounted for. The result of the Investigation respecting the Duke of York, the rejection of the Reversion Bill, and the vote in favour of lord Castlereagh, formed strong additional reasons for discrediting the composition of that house, and naturally multiplied the advocates for Reform. Still he thought the sentiment in support of Reform, when it was last discussed, would have been much louder, more universal and effective, if it had not been for the extraordinary exercise of the influence of the crown. This exercise was most strongly exemplified in the case of the celebrated Robert Burns, the poet, as appeared from a letter of his published since his death. Burns was an exciseman, and having, by the liberality of his sentiments, incurred the imputation, the surveyor called upon him by order of the commissioners. Burns disclaimed the charge; but although under the apprehension of being sent with his family to seek for bread, for the produce of his works was insufficient to support a sick brother, he ventured to say that the corruption of the legislature, and the extending influence of the executive, boded no good to the country. Upon which the surveyor observed authoritatively—"It "is your business, Sir, to act, and not to "think—be silent and obedient." (A laugh at the back of the Ministerial benches.) Mr. Whitbread reprobated such levity. Sure he was, that those who could laugh at such an insolent observation, must be very much inferior indeed, in genius and worth, to the man to whom it was addressed. — It had become a fashion, he perceived of late, to call upon gentlemen, rather improperly as he thought, for a profession of faith upon certain political tenets.—For himself, however, he had no objection to make the profession required. He certainly was not an advocate for the exclusion of all placemen from seats in that house. Although he knew there were many who had no right to be there, he would rather prefer the presence of ministers, in order that they might be confronted with their accusers, that they might account for their conduct, and display their views to the house. He was also adverse to the idea, that it was of no consequence by whom the affairs of the government were administered. It appeared to him quite preposterous, even if corruption were not removed or diminished, that it would not be material to consider by whom the power of the country should be directed. What, that if the vessel were in a crazy state, and its sails rent, it mattered not what pilot was at the helm!—There was not perhaps a man in society who felt more horror at the idea of revolution than he did. His all was at stake. He enjoyed many comforts, and valuing the British constitution, he would not risk its loss for any untried system —still less for a republic. He was no admirer of republican governments. They had both in ancient and modern times been corrupt and arbitrary. Even in Athens, supposed the purest republic, corruption pervaded the whole community, the people being bribed by the orators, and the orators bribed by foreign states, Demosthenes himself not being free from the imputation; but aversion to the idea of revolution must utterly blindfold the judgment of any man, who could suppose that such an evil was likely to arise, if lord Castlereagh were not granted impunity for a two-fold abuse of patronage, and if such a case as that before the house were not over-looked; the notion was perfectly ridiculous.—The hon. gent. concluded with exhorting the house to guard the country against the fate which all the corrupt governments of Europe had experienced—to conciliate the people to their government, and not to reduce England to the state in which Sicily now was, where the conduct of its government had rendered the people indifferent to the fate which seemed to menace them.

Mr. *Bathurst* complained of the countenance given by the hon. gent. to the language held out of doors, arraigning the judgment of the house delivered after deliberate and painful investigation. From this superstructure it was, that he argued for the necessity of Reform. As one of that majority he would ask the hon. gent. why, because he gave no credit to a woman of Mrs. Clarke's character, he was to be accused of corruption, and such an assumption raised upon the case? The hon. gent. had told them, he approved of every sentiment expressed at one of those Meetings so much spoken of. One of the sentiments supported by the hon. baronet and his friends was, that there should be no placeman or pensioner in the house. How happened it then, that the hon. gent. ap-

proving of this Resolution, should this night maintain the directly contrary opinion? The hon. baronet expressed the strongest abhorrence of bribery, but he would ask him if there was no bribery for counties as well as for boroughs? Or if he had forgot the fate of the Sheriff of Middlesex for conniving at shameful votes at his own election? The house would do well to look, while they were destroying one source of influence, that they were not opening another to private wealth and individual influence. The object of such motions was to make the government odious, while they were pretending to say they liked it better than any other, and the great danger that appeared to him, was in mixing this question with a charge of general corruption and consequent necessity for Reform. The hon. gentleman asked what inducement he could have to abandon all his comforts and become a Revolutionist. He could not tell him; but this he could say that others with every comfort in their power had chosen to take that course, and felt the effect of a ferment they had raised, but never would allay. The public passions were raised and fed by these motions, which were not called for, since they had a measure in progress which would prevent their recurrence. If the hon. gent. who moved this question thought it necessary to excite clamour and discontent for the purpose of promoting the Parliamentary Reform, which he stood pledged to the house and public to bring forward, he had found means to do so even in the short speech he had made. The right hon. gent. expressed his resolution to oppose this motion, or any other of a similar nature, which promised to give food and fuel to that popular ferment, which it should be the object of the house to allay.

Mr. *Whitbread* complained that the right hon. gentleman's speech was a tissue of misrepresentations of what he had said. He had never said the house of commons decided from corrupt motives, but persons out of doors said so, and not that he agreed in opinion with them.

Lord *Cochrane* said, his principal reason for supporting Parliamentary Reform upon old constitutional principles was, as he had stated at a late popular meeting, in order to set ministers free from those discussions, which occupied too much of their time, and rendered them unable to attend to the important business of their several departments, the neglect of which he had too often witnessed on foreign stations. If the people were fairly represented in that house, his opinion was, that there would be less of captious opposition or tedious controversy; corruption would be set aside; opposition would have no abuses to point out; and ministers, being disengaged from the task of defending such things, would be able to devote their minds more profitably for the state, to the objects he had before alluded to.

Mr. *Ponsonby* said he could remember no debate in which so many speeches had been thrown away. Ministers being accused of having procured the election of an individual by improper influence, and of dismissing or causing that individual to vacate his seat, because he refused to vote contrary to the dictates of his conscience; the question was whether or not an inquiry should be made into the circumstances, and in answer to it they had been about five hours debating on the proceeding that had taken place out of that house at public meetings, and discussing the propriety of attempting a Parliamentary Reform. Such a change as they proposed endeavouring to effect, he thought no trifling question. It would be a change most awful, most tremendous in the present state of the world, he should therefore be silent on that subject till some measure was proposed to that effect which he felt called upon by his duty to support. It was impossible for him to vote that the whole should be passed over without farther notice. He did not know that the facts stated were correct, but he did know that the individual whose name had been mentioned was a member of that house, and that he did vacate his seat about the time stated: whether or not it was in consequence of an intimation to that effect from the Treasury, he could not take upon himself to state. Therefore, when an hon. member brought such a subject forward, and stated it to be in his power to prove the truth of such allegations, he certainly could not oppose the inquiry.—With respect to the mode of procuring Seats in that house, it certainly was highly improper; but knowing how long such practices had been carried on, knowing how many had sat there in every parliament since the Revolution through similar influence, he could not think it would be acting like a man of honour were he to take advantage of a political adversary under such circumstances. There existed no man on the face of the earth who had so

strong a claim on his resentment as one of the accused. His conduct towards Ireland he could not remember but with indignation. It was owing to him in a great measure that the parliament of Ireland was put down—put down by practices which he would not name—and he could not but feel a more than ordinary degree of hostility towards that individual when he reflected on that circumstance. He felt therefore the necessity of being on his guard, lest he should carry his resentment to an unjustifiable length. A few evenings ago he had voted against lord Castlereagh; he would again do so were that discussion brought forward again, but in the present case the circumstances were, in his opinion, very different. It was impossible for him to reconcile it to his conscience to vote against him for having been concerned in alledged transactions of that nature. He did not think it justice when those practices were carried on by ten thousand different persons, to select those gentlemen charged by the hon. member to be the only victims, when so many who had sat there before him, nay who sat there with him, were suffered to escape with impunity. The hon. baronet had said that every sensible man laughed at a Bill recently brought in by his hon. friend (Mr. Curwen). The hon. baronet he supposed would not consider any man sensible who did not laugh at it, but he did not hesitate to state it as his opinion, that the bill was calculated to produce the most beneficial effects. Instead of considering of any wild plan of Reform, he thought it would be well if they took that bill into consideration, improve it when it would admit of improvement, and make the best they could of it, to prevent such evils from recurring in future; but not to proceed against individuals because that had been proved to exist which had long been notorious; which was not more strange to us than the sun at noon day; which was as well known as the streets of the metropolis. He was aware it might be said, because he thus defended ministers; that some of his friends were guilty of similar actions: he did not know, he could not answer for them, but he could answer for himself. Than himself no one could be more innocent; he had never given one shilling away in his life to bribe an elector. The question was not, whether one party had been more culpable than the other, but whether it would be proper to proceed against individuals situated as the two ministers charged by the hon. gent. were. For his part, he did not think it would be just to select those gentlemen as the only persons who ought to be proceeded against on such a charge.

Lord *Folkestone* did not agree with the hon. gent. who had just sat down. He had stated two reasons why they should not proceed against the ministers charged with corruption: The first, because a Bill had been brought into the house which might prevent the so frequent recurrence of such abuses; the other, because the facts were so notorious that every one knew of them. He wished to know how long the hon. gent. who spoke last, as well as the right hon. gent. opposite, had thought so favourably of that Bill. Whatever might be the ultimate success of that bill, he thought it no argument against inquiring into the conduct of those accused, nor did he think the enormity of such practices diminished by their notoriety. He remembered with what a jeer of denial the statements he had made of a similar nature had been greeted. They did not deny that such abuses existed in words, but they did by signs, which every body understood; but now gentlemen opposed the measure, because they were ignorant how far its effects might extend. When he moved that a Committee should be appointed for the purpose of making a general inquiry into Abuses, it was opposed because it was too general. Had specific charges been brought, it was stated no opposition would have been made; but now specific charges were brought forward, it should appear they were too specific, and a general measure was to be preferred. Those who then said, "bring forward specific charges; let us see who among us is unworthy a seat in this house," now unblushingly stood forward to prevent such an inquiry being instituted, and to screen those charged with corruption. If their recent proceedings had excited the indignation of the country, he did not think their acting thus would tend to allay the ferment excited in the minds of the people. They ought to consider the question as it stood by itself, and pronounce aye or no accordingly, as the evidence adduced might preponderate for or against the persons accused.—The noble lord then entered into the case at large, and concluded by stating, that under all the circumstances, though he knew a general election had taken place since those who were accused had been in

power, though he knew that many who would be called on to vote that night, must, like Mr. Quintin Dick, vote in their favour, or vacate their seats, he did not think they could oppose the motion.

Mr. *Windham* said, the abuses now so heavily complained of, had existed unnoticed in those times which had been called the best. They ought not with a rash and violent hand attempt to eradicate them till the whole of the circumstances had been maturely considered. For by so doing, we might with, or instead of, the evil, tear up that which was infinitely more valuable to us than any thing we could possibly gain by such a procedure. The elements of the air we breathe contain particles which we know to be of a poisonous nature, but were we to attempt taking those away, we should probably take with them that which was essential to our existence. So if we attempted to reform and alter the representation from what it ever had been since the formation of our constitution, we might deprive our constitution by so doing of all that was good and valuable. Attempting to remove a blemish, we might tear the garment and render it worthless. Were all the great men of former times, whose names we had been accustomed to venerate, to be set down as corrupt men by the adoption of such a plan? He would not have that constitution, by which the country had risen to what it was, altered in any respect whatever. That corruption did exist was undeniable, corruption existed from top to bottom, but he believed more would be found at the bottom than at the top. The lower they went the worse they would find it. What man, however prudent and frugal in the administration of his own private affairs, could prevent the existence of abuses on his own premises? Abuses would exist in his kitchen, in his stable, or in his garden, which he could not see nor prevent. The motion went to charge government, not with abuses countenanced by them, but with those which they could not prevent, and seeking a reform in parliament they would go near to overturn the government. He did not know whether the taxes, great as they were, bore a greater proportion to the revenue of the country than formerly. If luxury did not increase with the taxes, he did not think their weight would be found so excessively great. Mr. Quintin Dick had not been forced to vacate his seat as his noble friend, had incorrectly stated; no one could force him to vacate it. He thought it probable that Mr. Quintin Dick went to consult with ministers as to the line of conduct he ought to pursue, as his conscience would not suffer him to vote with them. When he found his inclinations run counter the wishes of those who had procured him a seat, he might have tendered it again to those from whom he received it. He did not think it would be proper to punish individuals for what had been so generally practised by others; and concluded by generally opposing the motion.

Lord *Archibald Hamilton* rose, amidst a tumultuous call of question, question! His lordship expressed great surprize at the doctrines he had heard delivered on the present question. One right hon. gent. (Mr. Ponsonby) had declared, he could not listen to the charge, because the practice on which it was founded had long been as open and broad as the sun at noon-day. For his own part, if he understood the constitution; if he understood his duty as a member of that house, if he wished for the prosperity and tranquillity of the country, he should suppose that such a conviction in the mind of the right hon. gent. who made it would have been a very strong reason for his voting in favour of the motion. With respect to the speech of the right hon. gent. who had just sat down, he had with pain heard and observed that it seemed to cast such indulgence on every species of corruption, that if he had not himself heard he could not have believed. There seemed to be a doubt between that right hon. gent. and his majesty's ministers whether there was any thing whatever to correct in the present system of parliamentary representation. If the house should unfortunately determine to overlook the present charge, he trembled for its dignity and character having any longer a place in the estimation of the people.

Mr. *Wilberforce* declared he never rose to speak with more pain and surprise. He thought the house ought to come to a resolution in favour of the motion for the sake of its own honour and dignity. There never was a time when under any state of things, either within or without the house, they ought to be more careful of observing the opinion of the people.—He was as much disposed as any man, not only to vindicate the character of the persons accused, but even to acknowledge the zeal and assiduity exerted

by them in the public service. But it was to its collective character which the house had now to attend to; and if they would but for a moment consider the question before them with a moral eye, there could be no doubt about their decision. This, among a multiplicity of other reasons, imposed it as a duty upon him to vote for the original question.

Mr. Secretary *Canning* begged leave to offer a few observations, even at that late hour of the night, although he had but little to add to the arguments which had already been urged against the motion of the hon. gent. He could not well refrain from reminding the house that the motion at present before them was acknowledged to be a first step towards Parliamentary Reform; and that the means proposed for enabling the house to take that step, were impracticable. Against such a measure the house had now to make a stand—a determined stand against the encroachments of the factious. The time was now come, when not only a great majority of that house, but also all the reflecting and sound part of the country, would pronounce an opinion, that in resisting the motion of the hon. gent. they acted a part not less acceptable to the feelings of the people, than it was conducive to the safety of the state. The question before the house should not be considered on narrow grounds, or on its own particular and separate merits. It was the duty of parliament to view it in all its bearings, and while they attended to the particular case, not to overlook its general consequences; what these consequences might be, it was no difficult matter to conjecture, when due attention was paid to the nature of the Resolutions which had been passed elsewhere, and to the names that were affixed to those Resolutions. The house were told to take care how they acted in contradiction to the sense of the people. But how and where was the sense to be ascertained? Was it in the commons house of parliament, or in those meetings which were held to canvass the conduct of that house? Were the house to listen only to those among them who came reeking from those meetings, and who would inculcate on the house the lessons which they received and brought from such a school? Should we not look to the motives from which such persons acted, as well as to the principles they thought proper to profess, and in taking this view of the nature and tendency of their conduct were we not to learn what we should avoid, as well as what we had to adopt? With respect to the scheme which was hatching in those meetings, no man could be in the dark. We had to guard against the machinations of dangerous demagogues: at least when such meetings presumed to bring the conduct of that house to account, that house had an equal right to enquire into, and animadvert upon the tendency of their conduct. Indeed, it were an abjuration of common sense not to see the motives, and to appreciate the consequences of the present motion. The attempt at Parliamentary Reform was at all times questionable; at a moment like the present it was dangerous in the extreme; and might lead to consequences beyond any conjecture or calculation. The object of the present motion was merely to immolate two public characters upon his side of the house; but if it were now to be acceded to, would it stop there? Would not the spirit it was intended to excite call to-morrow for more stately and more numerous victims on the other side? Where would its practical consequences stop? It must bear down all public men in all public situations, and leave their room to be filled by providential men without practice, without experience. The house would surely pause before they adopted a proposition that must lead to such a series of consequences. He must again be permitted to remind the house, that the main and sole object of the present motion was a reform in parliament; that the hon. mover, and more particularly the noble lord (Folkestone) who supported the motion, expressly stated that they were actuated by no hostile feelings against his colleagues; that they had no wish or intention whatsoever to see them removed from office; that their great object was a reform of that house; in short, that all their claims were directed to parliamentary reform. They had already advanced two steps; they had but one more to take, and that was to relieve his majesty's ministers from all attendance in parliament. They would first rob public men of all the influence of character, well knowing that without such a shield they must prove defenceless and impotent. In short, they would take every thing that was liberal from the ambition for place, and reduce public men to that degraded standard to which such a motion as the present must level them. With all his

anxiety for parliamentary reform, the avowed object of his motion, as originally announced, the hon. gent. thought proper to shift his ground, and with more depth of design, and dexterity of execution, he now came forward with a separate measure, with a measure that was only a preliminary to the attainment of his great end. Neither would he state the sort of reform he wished for, but merely dwelt upon the necessity of a general reform, as arising from recent opinions which had sprung from disclosures made by a recent investigation; but here he had to observe, that although public opinion, when legitimately pronounced, was always to be respected, yet the influence that was supposed to have guided that house on that decision, might in a great measure, have been misunderstood. For other causes than what were imputed to corruption: for other predilections than those which were supposed to be then acted upon tended to that decision. It spoke of the power of that house in terms not to be misconceived. It proved that there was nothing so high that might not be brought under the jurisdiction of that house. It proved that even the intimation of its disapprobation had produced as great an effect as could have been brought about by its most direct and severe animadversion. Good God! was this, then, the period to suppose that the character of the house of commons was lost; and that every, the most hazardous, experiment should be made to relieve it? Still it was the character and the influence of that house that achieved all our blessings, and distinguished the character and the condition of this country from that of any other country in the world; and was the source from which such blessings flowed to be described only as corrupt, to be stigmatized only as a sink of corruption, an object of alarm and disgust? Of whatever atoms such a body was composed, whether it was the result of some grand design, or merely the offspring of their fortuitous concurrence, it mattered not: Out of it grew the marked character, the vital principle which distinguished this country from all others, and which operated as the perennial source of blessings unknown to any other nation. Was this a thing to be wantonly or wicked trifled with? The right hon. gent. concluded, by suggesting a mode of combining in one both the original motion and the amendments that were proposed to it.

Mr. *Hutchinson* protested against the doctrine of that night, which posterity would reprobate. When it should hear that a house of commons was found so debased as to acknowledge the existence of corruption in its formation, and justify the existence of it. (Cries of withdraw, withdraw, and violent uproar). It was at least consistent for those, said the hon. member, to drown, if possible, the discussion of men who opposed them. Convinced, as they must be, that such conduct as they pursued that night, could neither bear inquiry, argument, or the touchstone of common integrity.

Mr. *W. Smith* thought the house bound to reflect upon the alledged interference of lord Castlereagh, with the vote of Mr. Dick upon a judicial question of high importance. [No, No, from the ministerial benches]. If the fact be not so, why not inquire? [No, No, from the same quarter]. I repeat the words—If the fact be not so, why not inquire? and if with the question thus put to you, you refuse to inquire, the country will not fail to form its own decision.

Mr. *Peter Moore* stated, that on a former occasion, when he opposed himself to the general motion of a noble lord (Folkestone), because it did not state some definite grounds, he had then the honour of being cheered by his majesty's ministers and their adherents. Their objection then was,—your motion is too wide-wasting, too indefinite, and therefore we oppose it; but give us something in a tangible shape and we will withdraw our resistance? Here then was something in a tangible shape; here was specific corruption offered to be proved against two members of their body, in confidential situations under the crown. How has it been received? Shame to say, its existence has not only been admitted from time immemorial, but even justified from both sides of the house. Let the house cautiously reflect how it sends abroad such principles, sanctioned by their decision. In such an attempt to vindicate the character of the two rt. hon. gentlemen, they will fail to retrieve them, whilst they sacrifice to eternity the honour, the credit, and the character of the house of commons.

Mr. *Madocks* made a brief reply, defended the consistency of his public life and the purity of his motives. He felt impelled to the course by the sense of public duty, from which, not even the conduct of that night should succeed in

warping him. A right hon. gent. (Mr. Windham) had confessed, that corruption existed from the top to the bottom of the state. He was sorry to agree with the right hon. gent. on this point. It did, indeed, exist most generally. Its universality and ubiquity were frightful, and reminded him of Virgil's figure of Fame:

'Ingrediturque solo, et caput inter nubila condit.'

The Question being loudly called for, strangers were ordered to withdraw. The two Amendments were negatived without a division. The house then divided on the original motion, as proposed by Mr. Madocks; when the numbers were:—

Noes - - - - - - - 310
Ayes - - - - - - - 85
Majority against Inquiry —225

List of the Minority.

Adams, Charles	Langton, Wm. Gore
Althorp, viscount	Lemon, sir Wm.
Antonie, William Lee	Lemon, John
Astley, sir J. H.	Lloyd, sir Edw. Pryce
Babington, Thomas	Lyttleton, h. Wm. H.
Barham, Joseph Foster	M'Donald, James
Baring, Alexander	Markham, John
Biddulph, R. M.	Martin, Henry
Bradshaw, h. A. C.	Maule, h. William
Brand, h. Thomas	Mildmay, sir Harry
Browne, Anthony	Miller, sir Thomas
Burdett, sir Francis	Milner, sir W. M.
Byng, George	Milton, lord viscount
Calvert, Nicholson	Moore, Peter
Cochrane, lord	Mosley, sir Oswald
Combe, Harvey C.	Mostyn, sir Thomas
Cooke, Bryan	North, Dudley
Creevey, Thomas	Northey, William
Curwen, J. Christian	Ossulston, lord
Dickenson, William	Parnell, Henry
Dundas, Charles	Pelham, h. C. A.
Fellowes, h. Newton	Percy, earl
Fitzpatrick, rt. h. Rd.	Porchester, lord
Forbes, viscount	Pym, Francis
Giles, Daniel	Romilly, sir Samuel
Gower, earl	Savage, Francis
Grant, Charles	Scudamore, R. Philip
Grattan, rt. h. Henry	Sharp, Richard
Halsey, Joseph	Shepley, William
Hamilton, lord A.	Smith, William
Hibbert, George	St. Aubyn, sir John
Honywood, William	Symonds, Tho. Powel
Horner, Francis	Talbot, Rd. Wogan
Howard, Henry	Thornton, Henry
Howorth, Humphrey	Tracey, C. Hanbury
Hughes, Wm. Lewis	Walpole, h. George
Hutchinson, h. C. H.	Western, C. Callis
Hussey, William	Wharton, John
Jekyll, Joseph	Whitbread, Samuel
Johnes, Thomas	Wilberforce, William
King, sir J. Dashwood	Wardle, G. L.
Knapp, George	*Tellers.*
Lambe, h. William	Madocks, Wm. Alex.
Lambton, Ralph John	Folkestone, viscount

HOUSE OF COMMONS.

Friday, May 12.

[CONVENTION WITH SWEDEN.] Mr. Secretary *Canning* laid before the house, a copy of the Convention between the king of England and his Swedish majesty, concluded on the 1st of March, 1808. He said, this Convention had been alluded to in his majesty's speech on the opening of the session, and would have been sooner laid before the house, but that it was necessary to accompany it by some communication which, under the existing state of circumstances between both nations, it was necessary to postpone. He had now to state, that no part of the stipulated subsidy had been paid to Sweden beyond the first three months' instalment, nor would it be requisite to propose any vote more in the budget of this day. The existing state of circumstances between both countries was such as did not enable him to make any definite communication to the house at this time; but it was necessary to lay the paper before the house as a ground for the vote to be proposed.

Mr. *Whitbread* declared himself perfectly satisfied by the explanation upon this subject.

[FOREIGNERS HOLDING COMMISSIONS.] Mr. *Whitbread* rose to revive a motion which he had proposed yesterday, but which he was then induced to defer at the request of the noble lord opposite to him (Castlereagh). It was for a return of the names of all the officers attached to the foreign corps, raised under colonel Charmilly: the various sums advanced to them in the way of allowance, or otherwise; and also their present state in his majesty's service. It did not strike him that there could be any objection to comply with the motion. The whole of those officers were known to be Roman catholics: he believed there were many of them, who from their conduct had not proved themselves to be men of the most unexceptionable character, although there were many others whose conduct was certainly irreproachable. It was, however, pretty extraordinary, that in 1794, when the letters of service were issued to French officers to enlist French soldiers from a military prison into his majesty's service, a positive refusal was given by the government, of the late duke of Bedford's request for a commission for the command of his own armed tenantry in the defence of his own country, under an apprehension

that to trust that nobleman with the command of his own armed tenantry, would have been dangerous to the state. The hon. member concluded by moving, "That there be laid before this house, an account of all foreigners holding commissions in his majesty's service, and the dates of their first and present commissions, together with an account of all extra allowances of every description made to such officers, if any, and the reason for such allowances; also, an account of the present state of service of such officers, whether upon the staff, or with the regiments to which they may belong."

Lord *Castlereagh* said, that he only requested the hon. member yesterday to postpone his motion, in order to have an opportunity of consulting with others, how far it might be adviseable to grant the return. Upon the fullest consideration, however, it was thought that the names of those officers, and their present situations in the service, could not be communicated without exposing them to great hazard and injury at some future time; and, upon this account only, he must resist the motion.

Mr. *Whitbread* said, that the names of those officers were by no means secret; they were inserted in an authentic list of the army, published monthly, and must be known to every body desirous of learning their names. Therefore, he must consider the reason assigned by the noble lord, as a mere subterfuge for withholding the document he required. He could not, however, avoid remarking again, that while his majesty's government had thought fit to refuse the late duke of Bedford a commission, for the command of his own tenantry, in the defence of his native land, as too dangerous a confidence to repose in a nobleman who differed from them in politics, and also to refuse to lord Petre a commission for the command of 400 of his own infantry, armed and clothed at his own expence, for the like purpose, upon no other pretence than that of his being a Roman catholic; still they felt no hesitation in granting to colonel Charmilly, a Frenchman, an utter stranger, and a Roman catholic, letters of service to recruit French soldiers at the door of a military prison, for his majesty's service, and at a bounty of sixteen guineas per man; and afterwards, when they deemed it expedient to disband this regiment, to turn them loose upon the public. One of the motions he made upon a former night, was for an account of the money advanced to colonel Charmilly, but to this no proper return was made. He must therefore press the present motion, and take the sense of the house upon it.

The question was immediately put, and the house divided. Ayes, 29. Noes, 54.

[THE BUDGET.] The order of the day was read for going into a Committee of Ways and Means. Upon the question that the Speaker do leave the chair being put,

Mr. *Parnell* rose, and objected to going into the committee at present, as the Annual Accounts had not been laid before the house in time to have been printed, and in the hands of members previously to the opening of the Budget.

Mr. *Huskisson* apprehended, the hon. gent. would not wish to postpone the Budget on this account. By law, these accounts were to be delivered by the 25th of March in every year, before which time it was impossible, on account of the multiplicity of papers to be laid on the table, to prepare them; and it was not till lately that the Budget was opened so late as the 12th of May. This business used formerly to take place before Christmas, and it would always in such a case, be utterly impossible to get the accounts printed before the opening of the Budget.

Sir *John Newport* doubted this impossibility, since Irish accounts could be always ready at an earlier period. It was of no consequence to lay them before the house, if they were taken away for so long a time to be printed; and he thought that either they should not be taken away for this purpose, or that duplicates of them should be provided to lie upon the table, for the use of members.

The *Speaker* informed the hon. member, that pursuant to an order of the house, duplicates were now always laid upon the table; and as to the length of time lost in printing, the hon. member would recollect that of all printing, figure printing was the most tedious and intricate.

The *Chancellor of the Exchequer* asked if the only advantage to be derived from laying these Annual Accounts on the table, was their consideration on this particular day? and contended that their production at any period of the session, would operate as a sufficient check, although they might not be produced previous to the opening of the Budget.

Mr. *Rose* bore testimony to the difficulty of getting the Accounts ready even by the 25th of March.

Mr. *Parnell* said, that last session he wished to look at these accounts, and was informed that they were gone to the printer's, and that he could not see them. Duplicates of the Irish Accounts, he knew, had not been laid upon the table, and that led him to suppose, that the same was then the case with respect to the Accounts of this country.

The Accounts of the produce of the War-Taxes were then referred to the committee; when the house having resolved itself into a Committee of Ways and Means,

The *Chancellor of the Exchequer* rose, pursuant to notice, to submit to the committee a statement of the Ways and Means of the year. In proceeding to propose the resolution with which he meant to conclude, for ratifying the contract, made that morning by the Treasury, for a Loan of 14,600,000*l.* to complete the Ways and Means of the year, it would not be necessary for him to take up much of the time or attention of the committee by any introductory remarks. The satisfactory nature of the contract, and the advantageous terms for the public, upon which it had been concluded, would be sufficient to entitle it to the earnest attention of the committee, and the entire approbation of parliament. Without further preface, therefore, he should proceed to the important duty he had to perform, in stating the Supplies which had been voted for the service of the present year, and then in succession the correspondent Ways and Means which had been provided to defray those supplies. The committee would observe, that there were but few of the supplies which he had to enumerate, which had not been already voted; but as he went along, he proposed to point out what were yet to be voted by parliament. The supplies voted were:

SUPPLIES.	£.
Navy	18,986,867
Army	21,144,770
Ordnance,	
England 5,275,298	
Ireland 627,876	5,903,174
Miscellaneous,	
England 1,173,751	
Ireland 726,249	1,900,000
Vote of Credit,	
England 3,000,000	
Ireland 300,000	3,300,000
Swedish Subsidy	300,000
Sicilian Subsidy	400,000
Total Joint Charge	51,934,911
England's Separate Charges.	
Def. Malt Duty, 1807, 366,211	
Int. on Exch. Bills 1,500,000	
5 per cents. 1797, 60,867	1,927,078
Total Supplies	53,861,990
Deduct Ireland's proportion of Supply and Civil List	6,273,966
On account of England	47,588,024

To meet these Supplies, the articles already voted, and those which he should have the honour to propose, the Ways and Means provided, were as follow:—

WAYS AND MEANS.	£.
Duty on Malt, Pensions, &c.	3,000,000
Estimated Surplus Consolidated Fund, to April 5, 1810	4,000,000
Surplus Ways and Means, 1808	2,757,352
War Taxes	19,000,000
Lottery	300,000
Excess of Exchequer Bills, 49 Geo. 3, cap. 21. after reserving sufficient to pay off 7,345,200*l.* issued per Act 48 Geo. 3, cap. 7, the remainder having been funded	3,154,800
Excess of ditto, voted in the present Session, after reserving sufficient to pay off 4,644,100*l.* issued per Act 48 Geo. 3, cap. 114, the remainder having been funded	1,355,900
Exchequer Bills on Vote of Credit	3,000,000
Repayment of Sum advanced to Portugal	150,000
Loan	11,000,000
	47,718,052
Supplies	47,588,024
Surplus Ways and Means	130,028

He had next to state to the Committee, and it was with satisfaction he should state, the terms upon which the Loan had been contracted for that morning. The whole of the Loan for the year was fourteen millions six hundred thousand pounds, of which three millions were for Ireland, and six hundred thousand pounds for the Prince Regent of Portugal, so that the Loan for the service of England was 11,000,000*l.* This Loan had been taken in part in the 4 per cents. partly in the 3 per cents. and partly in the Long Annuities. The particulars for every 100*l.* subscribed were,

	£.		
4 per Cents	60	0	0
3 per Cents	60	0	0
Long Annuities	0	8	10

The amount of interest that would thus be paid on each 100*l.* by the public, cal-

culating it upon the present prices of the respective funds in which the Loan was contracted for, would be 4*l.* 12*s.* 10*d.* a rate of interest, at which the public had never before been able to borrow money —a rate at which it was hardly possible for any individual, however well secured, or prompt his payment might be, to procure a loan. It was not amiss to state in this place the terms upon which, according to the Convention entered into with the Prince Regent of Portugal, the loan of six hundred thousand pounds to that prince was to be secured both as to the payment of interest, and one per cent. sinking fund and the repayment of the principal. The funds which had been assigned for that purpose consisted of the revenues of the island of Madeira, together with a consignment of such produce of the Brazils as belonged to the Prince Regent to his agents in this country, which property was to be placed under the management of these agents, and the proceeds appropriated to the payment of the interest and sinking fund, and the liquidation of the principal of the loan.—It would be in the recollection of the house, that in a former part of the session he had submitted a proposition for funding eight millions of Exchequer Bills, which proposition had received the sanction of that house. Though this operation had not proceeded to the full extent, which he then expected, he was yet happy to be able to state to the Committee, that the sum which had actually been funded under the bill of the present session, amounted, within a fraction, to the sum originally proposed, being not less than 7,932,100*l.* It became his duty on this occasion to state to the Committee, that the capital created by that operation amounted in the 5 per cents to 7,877,308*l.*; in the 3 per cents, 386,336*l.*; amounting in the whole to capital created 8,253,654*l.* The total charge for management and sinking fund upon this capital was 495,221*l.* The total charge upon the loan was 651,345*l.* making the grand total charge upon both operations 1,146,566*l.*—It might be satisfactory to the house that he should here make a comparison between the terms upon which the money had been raised for the service of last year, and those upon which he had been able to effect the loan, and provide the other ways and means for the service of the present year. The amount of Exchequer Bills funded last year did not exceed four millions, and had been funded at an interest of 5*l.* 4*s.* 9¼*d.* with a sinking fund charge of 1*l.* 1*s.* 2½*d.* per cent, making together a charge of 6*l.* 5*s.* 11¾*d.* The interest on the Exchequer Bills funded this year was 5*l.* 3*s.* 1½*d.* which with a charge for sinking fund of 1*l.* 0*s.* 9*d.* made a total charge of 6*l.* 3*s.* 10½*d.* per cent, being less than the charge incurred upon a similar operation last year; and this though the operation in the present year was considerably larger, (being nearly double) than that of last year. The loan of last year amounted to eight millions, and was raised at an interest of 4*l.* 14*s.* 6½*d.* per cent. while the loan of the present year, amounting to more than fourteen millions, had been raised at an interest of 4*l.* 12*s.* 10*d.* It would consequently be a satisfaction to the committee to perceive, that, notwithstanding the circumstances of the country, notwithstanding the increasing difficulties of, and the unavoidable increase in the public expenditure, yet the pressure had not borne upon the wealth of the country so as to disable it from making those exertions which the exigencies of the times called for, and the pressure of the war required. It was a proud consideration for the country, that though the financial operations required for the present year were so much greater than those of the last year, still, even under the increased and increasing pressure of the war, the terms upon which they had been effected were more advantageous than in any former instance, a circumstance which manifested opening prospects of prosperity, and shewed the preference given by those, whose opinions usually governed such transactions, to the circumstances and character of the present period. If the Sinking Fund were included in the estimate of the terms of the loan in both years, it would give a charge upon the loan of last year of 5*l.* 18*d.* 2*d.* per cent. whilst the charge upon the loan raised in the present year did not exceed 5*l.* 17*s.* 2½*d.*; and including the terms upon which the whole sums were raised in each year respectively, the comparison of charge was upon 13,693,253*l.* raised last year 6*l.* 0*s.* 9*d.* per cent. upon the sum of 21,200,000*l.* raised in the present year, 5*l.* 19*s.* 11*d.* per cent. being an advantage of 10½*d.* per cent. in favour of the present year. This comparison he felt it necessary to make for the satisfaction of the committee, and in order to shew that though the circumstances of the times required an increased expenditure, and additional

sacrifices, yet the confidence of the public had not been depressed, but was enhanced. In addition to this statement respecting the circumstances of the loan, and the increased confidence of the monied market, he had the satisfaction to add, that the gentlemen who had taken the loan were not likely to lose by it, as it was already, as he was informed, at a premium of $1\frac{1}{2}$ per cent.—Having stated the amount of the total annual charge to be 1,146,566*l.* it became his duty, in the next place, to state the manner in which he proposed to defray that charge. When he had last year proposed some taxes, in addition to the means that had fallen in within the year, he mentioned that he was induced to that proceeding, by the consideration, that it was better to supply by new taxation the difference between the means that existed, and the sum necessary for the charge of the year, than to act upon the principle, which had been adopted by the noble lord opposite (lord H. Petty), about two years ago, which principle he had acted upon in the preceding parliament. The principle upon which that noble lord had proceeded was, that it would be more desirable to apply to the war taxes for three successive, years than to resort to any new sources of taxation. In the year in which the noble lord had adopted that principle, it had been acted upon; last year it had not, though but a very inconsiderable addition was made to the permanent taxes. In the present year it was his intention to apply to the war taxes, to provide for the greater part of the annual charge created, and not to impose any new tax whatever. He would not, however, be understood, when he declared his intention to apply to the war taxes this year as meaning, that in any future year he should adopt the same principle. The noble lord had, as he had already observed, suggested the propriety of suspending the progress of taxation for three years. He was ready to do justice to the noble lord for his intention to act upon his own principle, and was sure that he would have his concurrence in adopting it for the present year. Thus it would be acted upon during two years instead of three, as the noble lord originally proposed. Yet, if the noble lord should continue of opinion that the principle should be still further acted upon, he must allow, as he had distinctly stated on a former occasion, that a system adopted in contemplation of a given rate of expenditure should not continue to be acted upon, if that expenditure should be increased. All those, who supported the proposition of the noble lord, would, he was sure, approve of his adoption of the principle for the present year, and think it a wise policy to abstain from new taxes, by drawing upon the war taxes to meet the charges arising out of the financial arrangements of the present year. The whole of the charge would not, however, be to be defrayed out of the war taxes. There was a bill at present before the house, for the consolidation of the customs, by the operation of which, by the way of regulation, he expected to obtain an addition to the permanent taxes of 105,000*l.*; and in this calculation he believed he was within the sum that was likely to be produced. An addition, to nearly the same amount, was to be expected from the operation of the Consolidation Bill, in the war taxes. The sum so gained would be applied in diminution of the annual charge, so that he should not have to apply to the war taxes for much more than one million. He had suggested the propriety of taking a Vote of Credit for three millions for England; but he trusted that it would not be expected that he should go at any length into an explanation of the manner in which that sum might be applied. There was, however, one circumstance arising out of the present state of the continent, which he felt it to be his duty to communicate to the house. Under the existing circumstances of the continent, it was not at the present moment thought desirable, that any definite arrangement should be entered into, which should give rise to any expectation that his majesty would furnish his allies with any very considerable pecuniary assistance. However anxious his majesty's government might be to assist them in the struggle in which they were engaged, it was not their intention to hold out to those allies any expectation of pecuniary aid, during the present year, to a greater amount than would be covered by the Vote of Credit proposed. He had also to state that, though no treaty had been entered into with the Austrian government previous to the war, nor any engagement made with that power, yet an expectation did certainly exist on the part of that power, as to what this country would do in the event of a war taking place. In consequence of this impression, without having had any communication with his majesty's government, the Austrian government, on the commencement

of the war, had drawn bills upon this country, which bills it had not been deemed right to pay, until the circumstance should be mentioned to parliament. When the bills arrived, he would confess, that it was the intention of his majesty's ministers, to advise his majesty to recommend to parliament to enable him to pay them.—If it should meet with the concurrence of the house, it was proposed to pay the bills out of the Vote of Credit. [What is the amount of these bills? was asked across the table by lord H. Petty] It was not easy to ascertain yet; they might perhaps amount to 300,000*l.* But before any appropriation would be made for the payment of these bills, it was considered absolutely necessary to procure the consent and sanction of parliament. This subject was not at that moment open for any discussion, nor could it properly be made the subject of debate, until some specific vote should be proposed upon the subject. The occasion, however, of stating to the committee the Ways and Means of the year, appeared to him to afford the most appropriate opportunity of communicating this circumstance to the house, which, upon every ground of propriety and duty, ought not to be kept back from parliament; without whose concurrence no money could be appropriated to the case. Having gone through all he had to state, he concluded with moving a Resolution for agreeing to the terms of the contract for the Loan.—On the question being put.

Mr. *N. Vansittart* wished to know whether any or what portion of the war taxes was to be saddled with the charges of the loan.

The *Chancellor of the Exchequer* replied, that the whole of the charges were to be discharged from the war taxes, and particularly that part of them which came under the head of Excise.

Lord *H. Petty* wished to offer a few observations on one part of the right hon. gentleman's statement, and particularly that which related to the bills drawn by the Austrian government. The propriety of that step would depend on the previous relations subsisting between the two countries, an explanation of which, he presumed, his majesty's ministers would feel it their duty to offer to the house before parliament rose. That explanation would determine whether that most extraordinary step, as he must characterize it, was to be attributed to his majesty's ministers, or the Austrian government. It would be impossible for him at present to touch further upon the subject, without trenching on that more widely extended subject, the propriety of granting subsidies to the powers of Europe in the present state of the continent. On that difficult question he would not attempt to lay down any general principle, for it was a question that must be always tried and determined by a particular reference to the specific cases that might arise, and to the circumstances under which the subsidies were required. This however, he should not hesitate to state, that great deliberation should precede any such issues of the public money, and that the considerations which influenced it should be most seriously weighed. He was willing to admit, that circumstances might arise, when subsidies for the continent ought to be granted almost to an indefinite extent, provided that the expectations entertained were commensurate with them. But this was a most serious consideration, and ought to be very cautiously weighed. If, indeed, any argument should weigh against the system of subsidizing, it would be found in the abuse of the periodical advances which this country had been of late in the habit of making to continental powers. It was notorious that some of these were diverted from the specific purposes for which they were granted; and that others were entirely inadequate to the objects they were intended to effect. This was particularly the case with regard to the Swedish subsidy. At the very time that they were projecting retrenchments in the Civil List, they were in the constant practice of remitting sums to Sweden equal to the whole amount of that branch of the national expenditure. The treaty with Sweden, according to the statements of ministers, had three objects in view. In the first place we were to obtain by it a greater facility for commercial arrangements, and specific advantages that should enable us the better to enforce the Orders in Council; and yet it was found that no commercial arrangement whatever had taken place, from that time to this between Sweden and this country; secondly we were to adopt and establish such a military concert with that power, as would enable her to carry on a successful war. Need it be asked what was done on this head, where a large military armament had been sent out from this country without being permitted to effect any thing? The present condition of Sweden shewed

how that particular object of the treaty had succeeded. The third object was to provide for the maintenance and pay of the Swedish army. The recent Revolution would show that object was answered. And here he must express his most poignant regret at the fate of that unhappy monarch, (for whatever might be his opinion of the policy and government of the king of Sweden, it was impossible not to feel for and lament fallen greatness) a fate which had been brought on by his inability to pay and to maintain his army. It appeared, therefore, that no one object of the treaty was answered; but the very reverse of what was proposed, and confidently expected, took place. With this example staring them in the face, and the considerations arising out of the particular circumstances of the times, and the state of this country, the house would be cautious how they sanctioned the system of subsidies. He wished it not to be supposed, from what he said, that he meant to express an absolute condemnation of the principle. He had no such intention. On the contrary, should an occasion arise to justify such an application of British resources, he would consent to very great sacrifices. To the Loan itself, and the principles upon which it was negociated, as well as the mode proposed for meeting the charges upon it, he gave his cordial approbation and concurrence. He was happy to find that the right hon. gent. had adopted the plan of not adding, during the year, to the burthens of the people. He could not, however, entirely approve the intention of mortgaging any part of the war taxes without providing an adequate fund for its speedy redemption. It would, he was persuaded, be productive, though not immediately perhaps, of much inconvenience. Besides an indefinite mortgage of these particular taxes might tend to excite an apprehension that they would be ultimately converted into permanent burthens. The practice, also, tended to undermine and weaken those great means and sinews of war. When a similar mode was proposed by him, it was with a view that it should be combined with a meliorating principle, by which its inconveniences would be gradually but rapidly remedied. With regard to the terms of the loan, he partook in the general satisfaction of the house. They were convincing proofs of the confidence and prosperity of the country. Although he might perhaps entertain some objections to the particular funds in which the loan had been effected, he could not withhold expressing how happy he felt at so decided a proof of our national prosperity.

Mr. Secretary *Canning*, although he agreed with many of the remarks of the noble lord, and particularly with that which stated that the particular circumstances were to be considered in the granting of subsidies to continental powers, had yet a few observations to make on what fell from him in the early part of his speech. As to the policy of subsidising foreign powers it was impossible to lay down any general rule on this subject. In any assistance that we might deem it adviseable to afford foreign powers, the propriety as well as the extent of that assistance must depend on the value of the effort to be made, and the particular circumstances of the country at the time it was solicited. With respect to the Treaty with Sweden, which the noble lord had seized on as the ground for his arguments, he had to state, that it was owing to no instigation of this country, that she had undertaken a war far above her strength, and which had been so disastrous in its consequences. If this country had never, for many years, inculcated such a line of conduct, so it was particularly true in the late struggle, when it was perfectly understood by Sweden, not only that we had no wish for her continuing the war, but that her making a separate peace, advantageous to herself, if it did not oblige her to become hostile to Great Britain, would be acceptable to this country. But while they did not instigate war, the government of this country were not prepared to push their opinion to the extent of denying the means of supporting the other alternative, if Sweden made that election. The noble lord had not been in the house when he laid the Treaty before them, or that part of his speech respecting the Subsidy would have been spared. With respect to the other powers, the noble lord had misunderstood his right hon. friend, the Chancellor of the Exchequer. The same abstinence he had noticed in our transactions with Sweden, had been pre-eminently attended to in our communications with Austria. Government had stated that Austria (as every nation was) was the best judge of her own interests; that there was no disposition on the part of Great Britain, for the sake of any combination against the common enemy, or for any temporary diversion in the cause of Spain, to have

Austria committed in a premature struggle. However much they might wish to see the enemy opposed, they could never desire to see Austria engaged in war on any but Austrian grounds. This was the uniform tenor of all their communications with that power. But they went no further; they stated, at the same time, that if she was committed in war with France for her own defence, it was their disposition to afford her all the limited assistance which the state of the times put in their power. The war, therefore, in which she had voluntarily engaged, was strictly upon Austrian grounds. It was not connected or combined with any British object or interest. The communications with the Austrian government were few and precarious, and in none of these communications was any specific promise of assistance held out to her. It was, indeed, stated to her, that if she was likely to be engaged in an inevitable contest, there would be a disposition to assist her; but that that disposition would be greatly limited by the circumstances of the times. Indeed, the assurance in this respect was so restricted, that he had his doubts whether it would not operate rather as a check than an encouragement. There were also physical obstacles in the way of making remittances, which should convince that power that she was not to place much reliance upon promises of assistance, even though less restricted, from this government. The preliminary, however, to any assistance, was the restoration of the former amicable relations between the two governments. This was considered as a just atonement to this country, and it was necessary to enable his majesty to make any communication or application upon this subject, to parliament.—With respect to the Bills mentioned by his right hon. friend, he could confirm what was already stated, and assure the house that the Austrian government had no authority for that measure. The bills were drawn by the Austrian Treasury, on the supposition that the person authorized to restore the former relations between the two governments would reach this country time enough to explain the necessity of that step, and the circumstances that induced it. It would not be expected that he should make any harsh comment on the conduct of the Austrian government; but he could assure the house that measures had been taken to stop the recurrence of a practice so inconvenient in many respects; among which, the very prejudicial effect that it would invariably produce on the course of exchange was not one of the least. No time was lost in transmitting a friendly remonstrance to the court of Vienna on the subject, and pointing out the inconvenience of the practice. They were told that if it was to be done at all, it must be done with the consent of parliament. Whatever extent of assistance was to be afforded to Austria or to any other power, it was not thought proper, for reasons that were obvious, to define it. It was thought best that his majesty should come to parliament and ask such assistance, in the shape of a Vote of Credit. When circumstances changed in every quarter, not only every month, but almost every day, it was impossible to measure the extent of the assistance that it might become the liberality, or be necessary for the interest, of this country to afford. The confidence, that parliament might find it adviseable to repose in his majesty's government, would not be abused. The resources that were placed at their disposal would be managed with caution, and all the discretion of which they were capable. It was unnecessary for him, at this period of the renewed relations with Austria, to say more on the subject.

Mr. *Ponsonby* commended the conduct of ministers in having, as they stated, so long left it entirely at the discretion of the sovereign of Sweden, to conclude peace when he should feel it adviseable; but in his opinion ministers ought to have gone farther, and strongly advised that that sovereign to conclude a peace. According to his judgment, that advice ought to have been offered, and the subsidy granted by this country withheld. No such subsidy ought to have been advanced for the last twelve months. It was not, indeed, improbable, that this money had served in a great measure to urge the unfortunate monarch who received it, to pursue his wild scheme and policy, which led to the overthrow of his government. He was glad to understand that ministers had no concern whatever in advising Austria to engage in the present war. Had they any influence, indeed, they would have used it more wisely in dissuading that government from any such proceeding; and if any money was meant to be advanced to Austria, he begged to be exempted from those who would sanction any such advances, which he was convinced could not be of the least use to Austria, while it

would be an injury to this country.—However painful he might feel it to resist the idea of pecuniary assistance to Austria, considering the connection which so often subsisted between that country and this, and considering also the fidelity which that government had always manifested towards us, yet, such was his view of the present state of that power and of the prospects of England, that he could not suffer his sense of duty to be restrained by his feelings. If he thought that any pecuniary aid, in the power of this country to afford, could do any material good to Austria in her present situation, he would be the last man in the world to refuse it. But being persuaded of the contrary, and justly apprehending that as soon as the enemy had sheathed the sword now drawn against Austria he would turn his whole power against this country, which would have to contend against him single handed, requiring of course all its resources to maintain such a contest, he could not consent to any unnecessary waste of those resources. Therefore he would deprecate the idea of disposing of any part of our means, unless with a certainty, or, at least, reasonable probability that they could be so disposed of as to benefit the power to whom they were granted.

Mr. Secretary *Canning* wished to observe, lest his silence should be construed into any acquiescence in the right hon. gentlemen's statement, that ministers would not bind themselves as to the line of conduct which they might feel it expedient to adopt with respect to any pecuniary supplies to foreign powers.

Mr. *Whitbread* would have been much better pleased if the 600,000*l.* stated to have been granted as a loan to the prince of the Brazils had been at once presented as a gift, in order that the people might clearly understand the transaction; for considering the situation, the means, and the prospects of this prince, he thought it quite childish to hold out the idea that any re-payment would ever take place; that one shilling of it would ever be received by this country. It was, to be sure, stated, that the loan was to be repaid by the produce of the Brazils. What produce? He would ask, was it meant to pay it in sugar? The idea was preposterous. He did not like any attempt at delusion, and therefore he would rather have the thing represented as he had mentioned. He did not like to have things called loans which were never at all likely to be repaid. It would be remembered that at the time of the Imperial Loan a good deal was said about securities for payment, to which he attended very little at the time, because he had no reliance upon them, and time justified his opinion, although it was then seriously stated, that the lenders could enforce payment by suing the emperor in his own courts (A laugh). Others, however, entertained a different opinion, and the consequence was, they were extremely mortified and disappointed, while he had only to lament the folly and credulity of putting any confidence in so ridiculous and unsubstantial a privilege. But with respect to the Brazils, what produce could we receive from thence that would at all compensate us? He was still less disposed to rely upon the payment of this loan to the Brazils, as the nature of the securities was not even mentioned, than he had been with respect to the loans to Austria. But, in fact, he could not conceive any security in the power of the borrower in this instance to offer. As to Sweden, he concurred with his right hon. friend, that ministers, who had such opportunities of being well informed with respect to the state and prospects of Sweden, particularly upon the return of sir John Moore's expedition from that country, ought not to have continued the subsidy. He also concurred with his right hon. friend upon the impropriety of granting any subsidy to Austria; but he would go further than his right hon. friend, for he would deprecate the payment of the 300,000*l* bills which, it appeared from the statement of the Chancellor of the Exchequer, had been drawn upon our government without any authority whatever to do so. That no good could be done by any effort of Austria now must be obvious. Had she, indeed, availed herself of Buonaparté's embarrassments in Spain, at the period when some French reverses inspirited the Spaniards, there might have been some chance that Buonaparté would have been considerably distressed and distracted; at least there would have been better prospects of success than could be calculated upon at the time Austria commenced hostilities, when in fact Spain was nearly subdued. Austria, however, had not only been defective in prudence in the commencement of this war, but even in fidelity to engagements which should always bind a state, whether such engagements were formed with one party or another. Ministers, in fact, should have advised

Austria not to engage in this war. They were not ignorant of her engagements and circumstances. It was well known that after the last war into which she had been dragged by the counsels of this country, she was reduced to the verge of ruin, and owed her escape and the reinstatement of her government solely to the will of the power with which she now so unwisely waged war.—It might be said that there was no precedent for such an interposition in the concerns of a foreign government, as he would recommend on the part of ministers. But he would not look to the file, as Mr. Burke said, for direction upon a new and extraordinary case. Had ministers no penetration, no statesmanlike knowledge, to enable their minds to judge upon the propriety of interposing their advice on such an occasion? Were they to preclude themselves from offering advice either to Spain or Austria, because there was no precedent for such an offer; there being no precedent simply because the cases themselves were unprecedented? With respect to the Vote of Credit for "Continental Services," as it was mentioned, he would rather have it specifically called a vote of credit for Spain, as there was no continental nation whatever to which any pecuniary grant should be made. If a subsidy to Austria had been proposed, he would have opposed it, though he had stood single and alone on a division of the house. In fact it appeared to him that they must be fools and madmen, in persisting to think that Austria could succeed in a contest with France by means of English gold. What were the prospects for Spain itself he could not pretend to say. But he did not wish to give up hope respecting Spain while life itself remained, and therefore he was not willing to tie up the hands of ministers on that subject. With the exception, however, of Spain, he could not see a spot in Europe where an English guinea could be of any use to annoy the enemy. He begged gentlemen to bear in mind the very absurd and foolish calculations sometimes made as to the precise times and periods of the enemy's weakness, which were, in fact, but pauses to collect strength, as events had always proved. If gentlemen would follow the advice contained in the admirable tract of his deceased friend (Mr. Fox), they would occasionally stop in their progress, and take a retrospect of the past, for the purpose of guiding their contemplations upon the future. Had this advice been attended to, it was impossible that the absurd calculations he had mentioned could ever have had any weight. Having said thus much on that head, he begged to offer a few observations on a matter of domestic consideration contained in the Ways and Means for the present year. He meant the Lottery. Whoever had seriously considered the subject had agreed that it was one of the worst and last modes of raising money that could be resorted to. It was impossible to reprobate in too strong terms the impolicy and injustice of continuing the system of raising a revenue from lotteries; after all the evils which they were known to occasion, the wretchedness, desperation, and suicide to which they led. He was astonished that the Chancellor of the Exchequer, who was himself addicted to no vice of this description, could patronize such a measure, particularly when he considered all that was universally notorious with regard to its tendency and consequences; when he recollected that Mr. Pitt had promised, that at the termination of the war, this odious plan of raising money should be abandoned for ever; and, above all, when he read the Report of the Committee appointed to inquire into the subject. All palliations were of no avail to cure this evil. For before that Committee, he heard with astonishment, the inspector employed by government (Wood) avow, that if the nefarious practice of insurances so much complained of, and which so many laws were framed to correct, were not tolerated or connived at, lotteries could not go on. Such was the confession of the officer of government, appointed to check this nefarious practice, of which it shewed, that he himself was guilty in conniving at it. He would take the liberty of asking, whether this person, after such a confession, was still in office? He did not ask with any view to submit a motion for his removal, because such a motion might alarm the country gentlemen, who might then determine to make their stand (a laugh). If Wood were brought to the Bar, he would probably say, that he had not done more than others had done before him; and it might be asked, why make any individual a victim for a mal-practice that was so general? Perhaps it would be said, that it was as notorious as the noon-day sun, and therefore ought not to be punished (a cry of hear! hear!). But these nefarious proceedings of insurances, &c. &c. which the Report to which he alluded so fully exposed,

were still going on. While laws were enacted to put a stop to "Little Goes," the great "Go" was suffered to proceed without interruption; nay, with encouragement. The poor, the desperate, and the vicious were shut out from the "Little Go;" the "Great Go" invited and received them with open arms. Such a practice ought to be utterly extinguished (a loud cry of move, move!). It was idle and ridiculous to pretend to stop the destructive consequences of either, while the language held out was neither more nor less than this: if you go to the Little Goes, you shall be punished, but if you come to the Great Go, you shall be safe. He was very unwilling to detain the house unnecessarily, but there was one melancholy instance of the mischief attending this immoral mode of raising money, which he begged leave to mention, and which was contained amongst others in the appendix to the Report to which he had already referred. A woman in the middle class of life had unfortunately being seized with this lamentable mania of making a fortune by insurance in the lottery. In adventuring upon this sea of chance, she made away with all the money she was possessed of for family uses; and then, by way of retrieving her loss, she secretly and unknown to her husband, as was generally the case in these transactions, pledged first one and then another article of domestic furniture, till almost the whole was gone, and her ill luck still attending her, she was reduced almost to despair at the idea of being obliged to inform her husband of the imprudence of her conduct. She found, however, it was not to be avoided, and at length confessed her fault, and owned what she had done. The husband happened to be a man of a noble and generous nature, and being sensible of the amiable qualities of his wife, and satisfied with every other part of her conduct, he most humanely and instantly pronounced his forgiveness, which had so sudden and powerful an effect on her feelings, that it deprived her of her senses, and she now remains a miserable living monument of this detestable gambling, engendered and supported by lotteries, The hon. gent. related this fact with a degree of feeling that most sensibly impressed every one who heard him, and he concluded by saying, "that having brought it to a point beyond which he thought it could not go, he would by his vote record his objection to this mode of raising money."

Mr. *Ponsonby*, adverting to what had fallen from the hon. gent. who had just sat down, said, his lecture on the good faith of France and the bad faith of Austria, must have an excellent effect when spread by our newspapers over the continent (Hear, hear!). He wished to know upon what proof the hon. gent. rested the assertion that Austria broke faith with France. For his part, he was quite of a different opinion, and that Austria was in hostility against France, because France was bent on her destruction. This, indeed, must, he thought, be obvious to every man who looked fairly at the state of Europe, and that, whether Austria entered into hostility or not, she was doomed to perish by the tyrant of France. But from what had escaped the hon. gent., it would seem that, in ascribing perfidy to Austria, he meant it to be understood that fidelity was to be ascribed to the councils of Buonaparté. The conclusion of his mind, however, was directly the reverse of that of his hon. friend. With respect to lotteries, he had never any concern in them. He was adverse to the system, and would be ready to support any proposition for putting an end to its existence.

Mr. Secretary *Canning* expressed an entire concurrence in the sentiments so ably stated by the right hon. gent. who had just sat down, with regard to the principles and conduct of Austria. The hon. gent. who preceded him had observed, that ministers ought to have advised Austria to abstain from the war; he would be glad to know upon what ground he could justify the offer of such an advice? The hon. gent. must take a very strange view of the character of the French Ruler, if he could suppose that any country could look to safety from being at peace with such a power. But an independent state in such a case was the best judge of its own views and circumstances. It was not for the government of this or any other nation to dictate to it. He could say that Austria was in no degree influenced to take the steps she had resorted to by the influence of any British interest. God forbid that any such attempt should be made! At the same time he must add, that as safety was not to be had from peace with France, he should, of course, regret to see a great nation like Austria attempt to seek it by tame submission and dastardly acquiescence. Whatever the present situation or future fortunes of Austria might be, his opinion was, that as the

French Ruler was resolved upon her destruction, her fate would not be aggravated by the course she had taken. Upon the whole he thought Austria acted wisely in taking up arms, though he would not have thought it wise on our part to advise it.

Mr. *Whitbread* observed, that the right hon. Secretary had, for the first time since his right hon. friend came into that house, paid him a compliment this night. What! was it to be understood that there was a Treaty of Subsidy with his right honourable friend?

Mr. *Ponsonby* assured his hon. friend, that he valued not such Subsidy! His object in rising before was merely to correct what he thought a misconception on the part of his hon. friend; by charging upon France the bad faith which he attempted to fix upon the counsels of Austria.

The *Chancellor of the Exchequer* could not help adverting to the astonishment expressed by the hon. gent. (Mr. Whitbread) how the right hon. gent. (Mr. Ponsonby) had been prepared to discover the good faith of Austria, and the bad faith of France. For his part, he was rather surprized that the hon. gent. who had no doubt on the one side without any evidence whatever, should express so much astonishment at any difficulty felt by those who were of a contrary opinion. He presumed the hon. gent. took his faith from the Papers of M. Champagny. On the other subject spoken to by the hon. gentleman, it was not his intention to argue it this night. The hon. gent. had said it might meet with an abler advocate: that he denied. The house had seldom or ever felt an argument come more forcibly home to their feelings; nor was it possible that the subject could ever be in more able hands. It would be for the house on some future occasion after this night to determine if the Lottery should ever again form part of the Ways and Means of the year. It should not, however, be taken for granted, because the guards against improper practices in Lotteries had once failed, that they must always fail. He was satisfied it was not to the Lotteries but to the Insurance that the objection lay. He did not say, that for the sake of a revenue of 300,000*l.* a year, the house ought to give their sanction to any thing immoral or productive of evil; but, at the same time, he was not for abandoning a financial resource of this kind without trying whether some measure might not be devised to remedy the evils resulting from it. All he wished was, that no vote should take place on the subject this night.

Mr. *Wilberforce* could not rest satisfied without expressing upon this subject an opinion formed after much enquiry and consideration. He thought the speech of the hon. gent. on the floor, (Mr. Whitbread) the most forcible appeal he had ever heard made to that house. He agreed, that when we looked to the widely extended ravages of war, the evils arising from Lotteries might be thought of little importance; but when the vice was seen to have spread through every situation of common life, it seemed to him to be utterly astonishing that it could be defended. He should not press the matter at present. The right hon. gent. said, he should put a stop to the mischief by abolishing insurance; and he was sure his right hon. friend persuaded himself of that, or he would not for much more than 300,000*l.* sacrifice the victims it occasioned; but after the great men who had preceded his right hon. friend in the administration of the country had persuaded themselves it might be, and had had been, put an end to, without this being the case, he thought his right hon. friend flattered himself in supposing, that he could do it effectually. Insurance, however, was not the only evil of lotteries. By dividing tickets into small shares, a spirit of gambling was disseminated, which was attended with the most serious evils to the lower classes. If they came to the question of the productiveness of the lottery tax, it would be found to have diminished from 600,000*l.* to 300,000*l.* and there was never any thing more true than that the sum which appeared to be sacrificed to morality would be far more than repaid other ways. By suppressing lotteries many would remain to enrich the country with their labours, whom the lottery would reduce into habits of idleness and extravagance. Where there was one instance of suicide and robbery consequent upon lotteries, there were a thousand instances of smaller evils. Often when the consequences of this practice did not lead to suicide, they went to destroy the seeds of happiness and of domestic enjoyment, and even these he thought it worth an effort in that house to preserve. It was 18 or 20 years ago, since the hon. member had first divided upon this question, and this lapse of time found his opinion unchanged. He had always protested against the measure, and now that its profits were so small, he hoped it would be dropped.

Sir *T. Turton* expressed himself satisfied with the explanation given with respect to Sweden, and his coincidence in sentiment with Mr. Ponsonby on the affairs of Austria. He however disapproved of the Loan, which he considered as less advantageous in the 4 and 5 per cents. than it would have been in the 3 per cents. The present system made too great a fund of the 4 per cents. He commented upon the enormousness of the demand for the expences of the army; and wished to direct the views of economists to the diminution of the standing army. He desired the house not to do any thing in a moment of heat respecting Lotteries, and wished to know if the same scale of exemptions and contributions on the Income Tax were to remain as last year.

The *Chancellor of the Exchequer* said there were to be no new statutes this year respecting the Income Tax, they would act upon old laws.

Mr. *Huskisson* thought it useless to enter into the question respecting lotteries at that time: whatever might be their decision, it would be of little importance, as the subject would be brought before the house, when they would have an opportunity of expressing their sentiments of the measure. The hon. gent. proceeded to shew it would not have been an advantage to the country, had the loan been negociated in the 3 per cents, as had been suggested: for if the interest were less, it should be remembered, that as the capital grew larger, the amount of the sinking fund would increase, and consequently such an arrangement would not appear eminently economical. He concluded, defending the propriety of funding Exchequer Bills in the 5 per cents.

Sir *Samuel Romilly* was extremely sorry to hear his right honourable friend (the Chancellor of the Exchequer) treat the case of the Lottery as if it fell as a matter of course, to form part of the service of the year, without seeming to pay any attention to the Report of the Committee on that subject. The hon. baronet behind him had talked of not doing any thing in a moment of heat. Did the hon. baronet not know that a Committee had been appointed to inquire into this very subject: that that Committee, had reported during the last session; and that their Report had lain on the table from that time without any thing having been done upon it? The house was now situated as to this subject much in a similar way to that in which they stood with regard to the Slave Trade some years ago. The house did allow that trade to continue for years after they had evidence of the existence of the abuses practised in it. This knowledge, he was of opinion, added infinitely to the iniquity of the practice. On the same principle, he thought if the house, with the knowledge they now had of the evils attending lotteries, that they drove some persons into mad-houses, and others into prisons, allowed the practice to continue, the situation of things was very different from what it was before. His right hon. friend thought that he should be able to render lotteries infinitely less destructive than formerly, and to rob the system of all its evils. He believed the right hon. gent. expected that he would be able to accomplish this object. But he warned his right hon. friend, that whilst in so doing he thought he was limiting an evil, he was himself committing it, though to a smaller extent than it had formerly been practised. He was still to send some persons to Botany Bay, though they would be fewer in number than had formerly been sent on account of this practice. He was to send fewer persons to mad houses than had formerly been sent thither on account of lotteries; but some he was still to continue to send. He (sir S. Romilly) had formerly attempted an improvement on the criminal law of the country. If the house could pass a law to do away temptations to commit crimes, that would be the most effectual mode of improving the criminal code! But what were they now about to do?—to pass a law to allow and encourage crime, by encouraging the temptation to commit it. The most active agents were employed to seduce persons to the commission of the crimes to which Lotteries gave birth; and the most ingenious paragraphs were invented to further this purpose. He could point out paragraphs holding out lures to apprentice-boys to embark in this trade, and to begin with their Christmas Boxes, under the assurance that, by perseverance, they would soon ride in their coaches. Formerly these practices were confined to the metropolis; now they were spread through every village in the kingdom. Yet, with all these evils increased and growing on the system, his right hon. friend held out that he would be able to render the practice less pernicious. The public would thus be put off their guard; the system would speedily

return with all its pernicious effects; and the eyes of the public would be blinded for a season, but the system would speedily revive.

The *Chancellor of the Exchequer* said, the subject had been discussed over and over again, and that the result had been uniformly in favour of Lotteries.

Mr. *Whitbread* alluded to the evidence of Mr. Wood, the Inspector of Lotteries, who, it now appeared, notwithstanding the abuses which existed, thought he had no duties to perform; that his was merely a nominal appointment. He was resolved to make a stand some day or other against Lotteries altogether, and not to forget this man, who it appeared betrayed his duty to the public.

Mr. *W. Smith* considered the bills concerning Lotteries as libels on public morals, and as they were sanctioned by government, all the sense he entertained of public morals amounted to complete nausea.

Sir *J. Newport* objected to Lotteries as a financial measure. The test of a good tax was, that it put into the Exchequer the greater part of what was drawn out of the pockets of the people. Here, however the greater part went into the hand of the agent.

Mr. *Babington* opposed the continuance of Lotteries. Though the Chancellor of the Exchequer purposed to do away a great evil, could he shut his eyes against what remained?

The Resolutions were then agreed to, and the Report ordered to be received on Monday.

HOUSE OF LORDS.

Monday, May 15.

[CRUELTY TO ANIMALS BILL.] On the order of the day for the second reading of this Bill,

Lord *Erskine* rose and said:—My Lords; I am now to propose to the humane consideration of the house, a subject which has long occupied my attention, and which I own to your lordships is very near my heart. It would be a painful and disgusting detail, if I were to endeavour to bring before you the almost innumerable instances of cruelty to animals, which are daily occurring in this country, and which, unfortunately, only gather strength by any efforts of humanity in individuals to repress them, without the aid of the law.—These unmanly and disgusting outrages are most frequently perpetrated by the basest and most worthless; incapable, for the most part, of any reproof which can reach the mind, and who know no more of the law, than that it suffers them to indulge their savage dispositions with impunity.—Nothing is more notorious than that it is not only useless, but dangerous, to poor suffering animals, to reprove their oppressors, or to threaten them with punishment. The general answer, with the addition of bitter oaths and increased cruelty, is, What is that to you?—If the offender be a servant, he curses you, and asks if you are his master? and if he be the master himself, he tells you that the animal is his own. Every one of your lordships must have witnessed scenes like this. A noble duke, whom I do not see in his place, told me only two days ago, that he had lately received this very answer. The validity of this most infamous and stupid defence arises from that defect in the law which I seek to remedy. Animals are considered as property only: to destroy or to abuse them, from malice to the proprietor, or with an intention injurious to his interest in them, is criminal; but the animals themselves are without protection; the law regards them not substantively; they have no rights!

I will not stop to examine whether public cruelty to animals may not be, under many circumstances, an indictable offence: I think it is, and if it be, it is so much the better for the argument I am about to submit to your lordships. But if even this were clearly so, it would fall very short of the principle which I mean anxiously and earnestly to invite the house to adopt. I am to ask your lordships, in the name of that God who gave to man his dominion over the lower world, to acknowledge and recognize that dominion to be a moral trust. It is a proposition which no man living can deny, without denying the whole foundation of our duties, and every thing the bill proposes will be found to be absolutely corollary to its establishment; except, indeed, that from circumstances inevitable, the enacting part will fall short of that which the indisputable principle of the preamble would warrant.

Nothing, my lords, in my opinion, is more interesting than to contemplate the helpless condition of man with all his godlike faculties, when stripped of the aids which he receives from the numerous classes of inferior beings, whose qualities,

and powers, and instincts, are admirably and wonderfully constructed for his use. If, in the examination of these qualities, powers, and instincts, we could discover nothing else but that admirable and wonderful construction for man's assistance; if we found no organs in the animals for their own gratification and happiness; no sensibility to pain or pleasure; no grateful sense of kindness, nor suffering from neglect or injury; no senses analogous, though inferior to our own: if we discovered, in short, nothing but mere animated matter, obviously and exclusively subservient to human purposes, it would be difficult to maintain that the dominion over them was a trust; in any other sense at least than to make the best use for ourselves of the property in them which Providence had given us. But, my lords, it calls for no deep or extended skill in natural history to know that the very reverse of this is the case, and that God is the benevolent and impartial author of all that he has created. For every animal which comes in contact with man, and whose powers, and qualities, and instincts, are obviously constructed for his use, nature has taken the same care to provide, and as carefully and bountifully as for man himself, organs and feelings for its own enjoyment and happiness. Almost every sense bestowed upon man is equally bestowed upon them; seeing, hearing, feeling, thinking; the sense of pain and pleasure; the passions of love and anger; sensibility to kindness, and pangs from unkindness and neglect, are inseparable characteristics of their natures as much as of our own. Add to this, my lords, that the justest and tenderest consideration of this benevolent system of nature is not only consistent with the fullest dominion of man over the lower world, but establishes and improves it. In this, as in every thing else, the whole moral system is inculcated by the pursuit of our own happiness. In this, as in all other things, our duties and our interests are inseparable. I defy any man to point out any one abuse of a brute which is property, by its owner, which is not directly against his own interest. Is it possible then, my lords, to contemplate this wonderful arrangement, and to doubt for a single moment that our dominion over animals is a trust? They are created indeed for our use, but not for our abuse. Their freedom and enjoyments, when they cease to be consistent with our just dominion and enjoyments, can be no part of their natures; but whilst they are consistent, I say their rights, subservient as they are, ought to be as sacred as our own. And although certainly, my lords, there can be no law for man in that respect, but such as he makes for himself, yet I cannot conceive any thing more sublime, or interesting, more grateful to heaven, or more beneficial to the world, than to see such a spontaneous restraint imposed by man upon himself.

This subject is most justly treated by one of the best poets in our language. Mr. Cowper, in the Task, says:

The sum is this. If man's convenience, health,
Or safety, interfere, his rights and claims
Are paramount, and must extinguish theirs.
Else they are all—the meanest things that are:

He then proceeds in a most affecting and sublime appeal to our humanity and justice. I have not a sufficient recollection of it, and I will not destroy the effect of it by misrepeating it.

The same subject is touched upon, in most eloquent prose, in the theological works of Mr. Jones, which were put into my hands the other day by my worthy and excellent friend at your table. [Here lord Erskine read an extract.] Mr. Young, of Trinity college Cambridge, has also published an excellent treatise on the subject; and many of the most worthy and respectable of the clergy have done honour to their sacred functions, by impressing upon their congregations the divine commands, as it regards this important duty.

Every other branch of our duties, when subject to frequent violation, has been recognized and inculcated by our laws; and the breaches of them repressed by punishments. And why not in this, where our duties are so important, so universally extended, and the breaches of them so frequent and so abominable?—But in what I am proposing to your lordships, disinterested virtue, as in all other cases, will have its own certain reward. The humanity you shall extend to the lower creation will come abundantly round in its consequences to the whole human race. The moral sense which this law will awaken and inculcate, cannot but have a most powerful effect upon our feelings and sympathies for one another. The violences and outrages committed by the lower orders of the people are offences more owing to want of thought and reflection, than to any malignant principle, and whatever, therefore, sets them a thinking upon the duties of humanity, more espe-

cially where they have no rivalries nor resentments, and where there is a peculiar generosity in forbearance and compassion, has an evident tendency to soften their natures, and to moderate their passions in their dealings with one another.—The effect of laws which promulgate a sound moral principle is incalculable; I have traced it in a thousand instances, and it is impossible to describe its value.

My lords, it was in consequence of these simple views, and on those indisputable principles, that I have framed the preamble of the very short bill which I now present for a second reading to the house. I might, without preamble or preface, have proposed at once to enact, if not to declare, wilful and wanton cruelty to the animals comprehended in it to be a misdemeanor, looking as I now do to the Commons, to enforce the sanction of the law by pecuniary penalties. But then the grand efficacious principle would have been obscured; which, if fortunately adopted by your lordships, will enact this law as a spontaneous rule in the mind of every man who reads it—which will make every human bosom a sanctuary against cruelty—which will extend the influence of a British statute beyond even the vast bounds of British jurisdiction, and consecrate, perhaps, in all nations, and in all ages, that just and eternal principle which binds the whole living world in one harmonious chain, under the dominion of enlightened man, the lord and governor of all.

I will now read to your lordships the preamble as I have framed it: "Whereas it has pleased Almighty God to subdue to the dominion, use, and comfort of man, the strength and faculties of many useful animals, and to provide others for his food; and whereas the abuse of that dominion by cruel and oppressive treatment of such animals, is not only highly unjust and immoral, but most pernicious in its example, having an evident tendency to harden the heart against the natural feelings of humanity." This preamble may be objected to as too solemn and unusual in its language; but it must be recollected that the subject of the bill is most peculiar and unusual; and it being impossible to give practicable effect to the principle in its full extent, it became the more necessary, in creating a duty of imperfect obligation where legal restraints would be inefficacious or impossible, to employ language calculated to make the deepest impression upon the human mind, so as to produce, perhaps, more than the effect of law, where the ordinary sanctions of law were wanting.

It may be now asked, my lords, why, if the principle of the bill be justly unfolded by this preamble, the enacting part falls so very short of protecting the whole animal world, or at all events those parts of it which come within the reach of man, and which may be subject to abuse. To that I answer—It does protect them to a certain degree, by the very principle which I have been submitting to your consideration, and to protect them further, would be found to be attended with insurmountable difficulties, and the whole bill might be wrecked by an impracticable effort to extend it. But I shall be happy to follow others in the attempt. The bill, however, as it regards all animals, creates a duty of imperfect obligation, and your lordships are very well aware that there are very many and most manifest and important moral duties, the breaches of which human laws cannot practically deal with, and this I fear will be found to be the case in the subject now under consideration.

Animals living in a state of nature would soon over-run the earth, and eat up and consume all the sustenance of man, if not kept down by the ordinary pursuits and destruction of them, by the only means in which they can be kept down and destroyed; and it is remarkable that other animals have been formed by nature, with most manifest instincts to assist us in this necessary exercise of dominion; and indeed, without the act of man, these animals would themselves prey upon one another, and thus be visited by death, the inevitable lot of all created things, in more painful and frightful shapes. They have, besides, no knowledge of the future, and their end, when appropriated fitly for our food, is without prolonged suffering. This economy of providence, as it regards animals, which from age to age have lived in an unreclaimed state, devoted to the use of man and of each other, may serve to reconcile the mind to that mysterious state of things in the present fallen and imperfect condition of the world.—This state of wild animals is further strikingly illustrated by the view of such of them as have been spared from the humane huntsman, or the more numerous tribes of animals of prey. They are swept away by the elements in hard winters, retiring, as most of them do, to a solitary, protracted, and painful death.—Old age, my lords, even amongst men, is but a rare blessing;

amongst such brutes, perhaps never. Old age can only be supported in comfort by that aid and tenderness from others, arising from the consciousness of those ties of nature, which it has not pleased the divine providence to dispense to the lower world, but which, as the greatest of all blessings, it has communicated to man. When the brutes have fulfilled their duties to their young, for their protection, they know them no more, and die of old age, or cold, or hunger, in view of one another, without sympathy, or mutual assistance, or comfort.—It is the same to a certain extent with regard to those reclaimed animals devoted to man's use for food, whose faculties, as far as our observation is capable of a just comparison, approach nearer to human reason. The old age even of such animals, for the reasons adverted to, would seldom be satisfactory. When they pass, therefore, from life to death, in a manner which gives them no foretaste of their doom, and consequently no sense of pain or sorrow in the road to it, the ways of God are justified to man.

The Bill, therefore, as it regards wild animals, could not easily have been framed for practicable operation, except by sanctioning, as it does, the principle of the preamble, which will, I trust, insensibly extend its influence to the protection of every thing that has life; by bringing habitually into the view of the mind the duties of imperfect obligation which it inculcates; and with regard to animals bred by man, or reclaimed for food, it will directly protect them against the cruelties which are generally committed on them, viz. the unmercifully driving them and beating them on their passage to fairs and markets, and against unnecessary sufferings in the hour of death.

Before I leave this part of the subject, I think it right to advert to the practice of Bull-Baiting. I did not intend to have touched on it, but as I find that some who support the principle of this bill, feel a difficulty as it regards this practice, it becomes necessary to consider how it will be affected by its operation. A bill was, brought into the house of commons, whilst I had the honour of a seat there, to repress this practice, but not upon the true principle. The framers of it were, I am persuaded, actuated by motives of humanity; but they mixed with it very laudable objects of human policy, which rather obscured the principle of protection to the animals. One great object of the bill, and it was laudable on that account, was, to put an end to sports which led away the servants and labourers of manufacture and husbandry from the service of their masters.—The attack upon bull-baiting coming in this questionable shape, was defended as politic by talents capable of defending any thing; but talents (I am ready to admit) possessed by a person of as humane and feeling a mind as ever distinguished any man—a man, besides, of a most beautiful genius, and whom I have always esteemed and honoured (Mr. Windham). The truth is, my lords, that the matter was never fairly presented to his heart, and his intellect had got a wrong bias upon the subject. I shall not, however, come in contact with my excellent friend in his different view of this subject. This Bill says not a word about bull-baiting. I only include a bull in my catalogue of protected animals. They, therefore, who support the practice, may still support it successfully, if they can convince a court and jury, and the other magistracies of their countrymen, that it does not fall within the description of wilful and wanton cruelty; and if that shall be the general feeling of courts and magistrates on the subject, the practice will cease to be supported.

As to the tendency of barbarous sports of any kind or description whatsoever, to nourish the national characteristic of manliness and courage, the only shadow of argument I ever heard upon such occasions, all I can say is this: that from the mercenary battles of the lowest of beasts (viz. human boxers), up to those of the highest and noblest that are tormented by man for his degrading pastime, I enter this public protest against it. I never knew a man remarkable for heroic bravery, whose very aspect was not lighted up by gentleness and humanity; nor a kill-him nor eat-him countenance that did not cover the heart of a bully or a poltroon.—As to other reclaimed animals which are not devoted to our use as food, but which are most wonderfully organized to assist man in the cultivation of the earth, and by their superior activity and strength to lessen his labour, in the whole circle of his concerns, different protections become necessary, and they are also provided for by the bill, and without the loss or abridgment of any one right of property in such animals. On the contrary, all its provisions protect them, as property, from the abuses of those to whose care and government their own-

ers are obliged to commit them. They also reach the owners themselves, if, from an inordinate desire of gain, or other selfish consideration, they abuse the animals, their property in which is limited to the use.

It would be wasting your lordships' time if I were to enumerate the probable cases which this part of the bill will comprehend. It is well observed by an Italian philosopher, "that no man desires to hear what he has already seen." Your lordships cannot have walked the streets, or travelled on the roads, without being perfectly masters of this part of the subject. You cannot but have been almost daily witnesses to most disgusting cruelties practised upon beasts of carriage and burthen, by the violence and brutality of their drivers. To distinguish such brutality and criminal violence, from severe, but sometimes necessary discipline, may at first view appear difficult, and on that account a serious objection to the bill; but when I come to that part of the subject, I pledge myself to shew that it involves no difficulty whatsoever. But there are other abuses far more frequent and important, which will require a more particular consideration. For one act of cruelty in servants, there are an hundred in the owners of beasts of labour and burthen, sometimes committed by the owners alone, from a scandalous desire of gain, and sometimes in a most unworthy partnership with their superiors, who are equally guilty, with no gain at all, nor for any motive that it would not be disgraceful to acknowledge. I allude, my lords, to our unhappy post-horses. It is not my wish, my lords, to be a fanciful reformer of the world, nor to exact that the manners and customs of a highly civilized nation, should be brought to the standard of simplicity and virtue, if indeed such a standard ever existed upon earth. I do not seek to appoint inspectors to examine the books of inn-keepers, so as to punish any excess in the numbers of their stages, as you do an excess of outside passengers on the roofs of coaches. I know there are very many cases (which could not be brought strictly within the scope of necessities) where these poor animals must grievously suffer, yet where no law can properly reach to protect them. The demands, though not imminent, of human health, and even of convenience; the occasional exigencies of commerce; the exercise of franchises, and many other cases which must occur to every body, would furnish obvious exceptions without violation of the principle, and which every court and magistrate would know how to distinguish. But the bill, if properly executed, would expose inn-keepers to a reasonable punishment, who will palpably devote an innocent animal to extreme misery, if not to death itself, by a manifest and outrageous excess of labour, rather than disoblige a mere traveller, engaged in no extraordinary business, lest in future he should go to the inn opposite—when the law shall give a rule for both sides of the way, this most infamous competition will be at an end.

For my own part, my lords, I can say with the greatest sincerity to your lordships, that nothing has ever excited in my mind greater disgust, than to observe what we all of us are obliged to see every day in our lives—horses panting—what do I say! literally dying under the scourge, when on looking into the chaises, we see them carrying to and from London men and women, to whom or to others it can be of no possible signification whether they arrive one day sooner or later, and sometimes indeed whether they ever arrive at all. More than half the post-horses that die from abuse in harness, are killed by people, who, but for the mischief I am complaining of, would fall into the class described by Mr. Sterne, of simple or harmless travellers, galloping over our roads for neither good nor evil, but to fill up the dreary blank in unoccupied life. I can see no reason why all such travellers should not endeavour to overcome the *ennui* of their lives without killing poor animals, more innocent and more useful than themselves. To speak gravely, my lords, I maintain that human idleness ought not to be permitted, by the laws of enlightened man, to tax for nothing, beyond the powers which God has given them, the animals which his benevolence has created for our assistance.

But another abuse exists, not less frequent, and much more shocking, because committed under the deliberate calculation of intolerable avarice. I allude to the practice of buying up horses when past their strength, from old age or disease, upon the computation (I mean to speak literally) of how many days torture and oppression they are capable of living under, so as to return a profit with the addition of the flesh and skin, when brought to one of the numerous houses appropriated for the slaughter of horses. If this practice only extended to carrying on the fair work

of horses to the very latest period of labour, instead of destroying them when old or disabled, I should approve instead of condemning it. But it is most notorious, that with the value of such animals all care of them is generally at an end, and you see them (I speak literally, and of a systematic abuse) sinking and dying under loads, which no man living would have set the same horse to, when in the meridian of his strength and youth.

This horrid abuse, my lords, which appears at first view to be incapable of aggravation, is nevertheless most shockingly aggravated when the period arrives at which one would think cruelty must necessarily cease, when exhausted nature is ready to bestow the deliverance of death. But even then, a new and most atrocious system of torture commences, of which, my lords, I could myself be a witness in your committee, as it was proved to my own perfect satisfaction, and that of my friend Mr. Jekyll, upon the information of a worthy magistrate, who called our attention to the abuse. But perhaps, my lords, I shall better describe it, as it will at the same time afford an additional proof of these hideous practices, and of their existence at this hour, by reading a letter which I received but two days ago, the facts of which I am ready to bring in proof before your lordships.—Here lord Erskine read an extract from a letter which stated, "A very general practice of buying up horses still alive, but not capable of being even further abused by any kind of labour. These horses, it appeared, were carried in great numbers to slaughter-houses, but not killed at once for their flesh and skins, but left without sustenance, and literally starved to death, that the market might be gradually fed. The poor animals, in the mean time, being reduced to eat their own dung, and frequently gnawing one another's manes in the agonies of hunger."

Can there be a doubt, my lords, that all such shocking practices should be considered and punished as misdemeanors? Here again it may be said that the bill, in this part of it, will invest magistrates with a novel and dangerous discretion. I am not yet arrived at that part of the case, though I am fast approaching it; when I do, I pledge myself without fear to maintain the contrary, to the satisfaction of every one of your lordships, more especially including the learned lords of the house. No less frequent and wicked an abuse is the manifest overloading of carriages and animals of burden, particularly asses, and as far as this poor animal is unjustly considered an emblem of stupidity, the owners who thus oppress him are the greatest asses of the two. The same may be said of keeping animals without adequate food to support their strength, or even their existence; this frequently happens to beasts impounded for trespasses; I have had complaints of this abuse from all parts of the country. The notice to the owner is seldom served, and thus the poor innocent animal is left to starve in the pound.—As far as an animal is considered merely as property, this may be all very well, and the owner must find him out at his peril, but when the animal is looked to, upon the principle of this bill, the impounder ought to feed him, and charge it to the owner as part of the damages.

Only one other offence remains, which I think it necessary to advert to, which it is difficult sufficiently to expose and stigmatize, from the impudence with which it is every day committed, as if the perpetrators of this kind of wickedness were engaged in something extremely entertaining and innocent, if not meritorious; I allude to those extravagant betts for trying the strength and indurance of horses; not those animating races, properly so called, which the horse really enjoys, and which, though undoubtedly attended with collateral evils, has tended greatly to improve the breed of that noble and useful animal. The contests which I consider as wilful and wanton cruelty, are of a different kind; I maintain that no man, without being guilty of that great crime, can put it upon the uncertain and mercenary die, whether in races against time; no; not properly so called, but rather journeys of great distances within limited periods, the exertions shall very far exceed the ordinary power which nature has bestowed on the unhappy creature, thus wickedly and inhumanly perverted from the benevolent purposes of their existence.

All the observations I have just been making to your lordships, undoubtedly apply to the maliciously tormenting any animal whatsoever, more especially animals which we have voluntarily reclaimed and domesticated; and yet I fairly own to your lordships, that as the Bill was originally drawn, and as it stood until a few days ago, it would not have reached many shameful and degrading practices. The truth is, that I was afraid to run too rapid-

ly and directly against prejudices. But on conversing with very enlightened and learned men, I took courage in my own original intention, and introduced the concluding clause, which comprehended the wickedly and wantonly tormenting any reclaimed animal; the effect of which in practice I will explain hereafter, when I come to shew the practicability of executing the law without trespassing upon the just rights and privileges of mankind. If your lordships, however, shall ultimately differ from me in this part of the subject, you can strike out this clause in the committee. I have purposely kept it quite distinct and separate from the rest of the Bill, as I originally framed it, being resolved to carry an easy sail at first, for fear of oversetting my vessel in a new and dangerous navigation.

I now come, my lords, to the second part of the case, which will occupy but a small portion of your lordships' time, on which I am afraid I have trespassed but too long already. (Hear! hear!) Supposing, now, your lordships to be desirous of subscribing to the principles I have opened to you, and to feel the propriety of endeavouring to prevent, as far as possible, the inhuman cruelties practised upon animals, so general and so notorious, as to render a more particular statement of them as unnecessary as it would have been disgusting: the main question will then arise, viz. How the jurisdiction erected by this Bill, if it shall pass into a law, may be executed by courts and magistrates, without investing them with a new and arbitrary discretion.

My lords, I feel the great importance of this consideration, and I have no desire to shrink from it; on the contrary I invite your lordships to the closest investigation of it, and for that purpose, I will myself anticipate every possible objection of that description, and give your lordships, in a very few words, the most decisive answers to them.—How, it may be first asked, are magistrates to distinguish between the justifiable labours of the animal, which from man's necessities is often most fatiguing, and apparently excessive, and that real excess which the Bill seeks to punish as wilful and wanton cruelty? How are they to distinguish between the blows which are necessary, when beasts of labour are lazy or refractory, or even blows of sudden passion and temper, from deliberate, cold-blooded, ferocious cruelty, which we see practised every day we live, and which have a tendency, as the preamble recites, to harden the heart against all the impulses of humanity?—How, in the same manner, are they to distinguish between the fatigues and sufferings of beasts for slaughter, in their melancholy journeys to death in our markets, from unnecessary and therefore barbarous aggravations of them?

Here, my lords, I am at home; here I know my course so completely, that I can scarcely err. I am no speculator upon the effect of the law which I propose to you, as the wisest legislators must often be, who are not practically acquainted with the administration of justice. Having passed my life in our courts of law when filled with the greatest judges, and with the ablest advocates, who from time to time have since added to their number, I know with the utmost precision the effect of it in practice, and I pledge myself to your lordships, that the execution of the Bill, if it passes into law, will be found to be most simple and easy; raising up no new principles of law, and giving to courts no larger discretion, nor more difficult subjects for judgment than they are in the constant course of exercising.

First of all, my lords, the law I propose to your lordships is not likely to be attended with abuse in prosecution, a very great, but I am afraid an incurable, evil in the penal code. I stimulate no mercenary informers, which I admit often to be necessary to give effect to criminal justice. I place the lower world entirely under the genuine unbought sympathies of man.—No one is likely to prosecute by indictment, or to carry a person before a magistrate, without probable, or rather without obvious and flagrant cause, when he can derive no personal benefit from the prosecution, nor carry it on without trouble and expence. The law is, therefore, more open to the charge of inefficacy than of vexation.—It can indeed have no operation except when compassionate men (and I trust they will become more numerous from the moral sense which this Bill is calculated to awaken), shall set the law in motion against manifest and disgusting offenders, to deliver themselves from the pain and horror which the immediate view of wilful and wanton cruelty is capable of exciting, or is rather sure to excite in a generous nature.—What possible difficulty, then, can be imposed upon the magistrate, who has only to judge upon hearing, from his own human feelings, what such disinterested informers have judged of from having seen

and felt. The task is surely most easy, and by no means novel. Indeed, the whole administration of law, in many analogous cases, consists in nothing else but in discriminations generally more difficult in cases of personal wrongs.

Cruelty to an apprentice, by beating, or over labour, is judged of daily upon the very principle which this Bill will bring into action in the case of an oppressed animal.—To distinguish the severest discipline to command obedience, and to enforce activity in such dependents from brutal ferocity and cruelty, never yet puzzled a judge or a jury, never at least in my very long experience; and when want of sustenance is the complaint, the most culpable over-frugality is never confounded with a wicked and malicious privation of food.—The same distinctions occur frequently, upon the plea of moderate chastisement, when any other servant complains of his master, or when it becomes necessary to measure the degree of violence, which is justifiable in repelling violence, or in the preservation of rights.

In the same manner the damage from a frivolous assault or of a battery, the effect of provocation or sudden temper, is daily distinguished in our courts, from a severe and cold-blooded outrage. A hasty word, which just conveys matter that is actionable, is in the same manner distinguished in a moment from malignant and dangerous slander. Mistakes in the extent of authority, which happen every day in the discharge of the complicated duties of the magistracy, are never confounded for a moment, even when they have trenched severely upon personal liberty, with an arbitrary and tyrannous imprisonment. Unguarded or slight trespasses upon property, real or personal, are in the same way the daily subjects of distinction from malicious deprivations of rights, or serious interruptions of their enjoyment.—Similar, or rather nicer distinctions, are occurring daily in our courts; when Libel or no Libel is the question. A line must be drawn between injurious calumny, and fair, though perhaps unpleasant animadversion; but plain good sense without legal subtlety is sure to settle it with justice; so every man may enjoy what is his own, but not to the injury of his neighbour. What is an injury, or what only a loss, without being injurious, is the question in all cases of nuisance, and they are satisfactorily settled by the common understandings and feelings of mankind.

My lords, there would be no end of these analogies, if I were to pursue them; I might bring my whole professional life, for near thirty years, in review before your lordships.—I appeal to the learned lords of the house, whether these distinctions are not of daily occurrence; I appeal to my noble and learned friend on the woolsack, whether, when he sat as Chief Justice of the Common Pleas, he found any difficulty in these distinctions; I appeal to my noble and learned friend, who sits just by him, whose useful and valuable life is wholly occupied amidst these questions, whether they are doubtful and dangerous in the decision, and whether they are not precisely in point with the difficulties which I have anticipated, or with any others which opponents to the Bill can possibly anticipate; I make a similar appeal to another noble and learned friend, who has filled the highest situation, I do not see him at this moment in his place, but to him also, I might make the same fearless application.—I cannot, therefore, conceive a case on which a magistrate would be exposed to any difficulty under this bill, if it should pass into a law.—The cruelties which I have already adverted to, are either committed by owners or by servants charged with the care and government of horses and other cattle. If the owner unmercifully directs them to be driven to most unreasonable distances, or with burthens manifestly beyond their powers; if he brings them up when past the age of strength, not for a use correspondent to their condition, but upon the barbarous and wicked computation of how long they can be tortured to profit; in neither of these cases can the cruelty be imputed to the servant whom you meet upon the road, struggling to perform the unjust commands of his employer. The master is the obvious culprit; "respondeat superior;" the spectators and the servant are the witnesses; and these are the cases where an indictment would operate as a most useful example, without oppression to those who thus offend systematically against every principle of humanity and justice.

On the other hand, when no cruel commands are given to the servant, but his own malice offends at once against his master and the unhappy animal which he wickedly abuses, he of course is alone responsible; and these are the cases in which a summary jurisdiction would be most generally resorted to, as more fa-

vourable at once to the disinterested informer and to the offender, who would be thus punished with a small penalty, and be delivered from an expensive prosecution.—The other house of parliament will no doubt accomplish this in the further progress of the bill.

But in neither of these cases, which comprehend indeed every abuse which the bill extends to, is there any kind of danger that it will work oppression, or produce uncertainty in decision.—A man cannot, if an owner, be the subject of an indictment, because he may have been less considerate and merciful than he ought to be; nor if a servant, for an unreasonable blow of temper upon an unmanageable charge. No, my lords. Every indictment or information before a magistrate must charge the offence, to be committed maliciously, and with wanton cruelty, and the proof must correspond with the charge. This bill makes no act whatever a misdemeanor that does not plainly indicate to the court or magistrate a malicious and wicked intent; but this generality is so far from generating uncertainty, that I appeal to every member in our great profession, whether, on the contrary, it is not in favour of the accused, and analogous to our most merciful principles of criminal justice? So far from involving the magistrate in doubtful discriminations, he must be himself shocked and disgusted before he begins to exercise his authority over another. He must find malicious cruelty; and what that is can never be a matter of uncertainty or doubt, because nature has erected a standard in the human heart, by which it may be surely ascertained.—This consideration surely removes every difficulty from the last clause, which protects from wilful, malicious, and wanton cruelty, all reclaimed animals. Whatever may be the creatures which, by your own voluntary act, you choose to take from the wilds which nature has allotted to them, you must be supposed to exercise this admitted dominion, for use, or for pleasure, or from curiosity. If for use, enjoy that use in its plenitude; if the animal be fit for food, enjoy it decently for food; if for pleasure, enjoy that pleasure, by taxing all its faculties for your comfort; if for curiosity, indulge it to the full. The more we mix ourselves with all created matter, animate or inanimate, the more we shall be lifted up to the contemplation of God. But never let it be said, that the law should indulge us in the most atrocious of all propensities, which, when habitually indulged in, on beings beneath us, destroys every security of human life, by hardening the heart for the perpetration of all crimes.

The times in which we live, my lords, have read us an awful lesson upon the importance of preserving the moral sympathies. We have seen that the highest state of refinement and civilization will not secure them. I solemnly protest against any allusion to the causes of the revolutions which are yet shaking the world, or to the crimes or mistakes of any individuals in any nation; but it connects itself with my subject to remark, that even in struggles for human rights and privileges, sincere and laudable as they occasionally may have been, all human rights and privileges have been trampled upon, by barbarities far more shocking than those of the most barbarous nations, because they have not merely extinguished natural unconnected life, but have destroyed (I trust only for a season) the social happiness and independence of mankind, raising up tyrants to oppress them all in the end, by beginning with the oppression of each other. All this, my lords, has arisen from neglecting the cultivation of the moral sense, the best security of states, and the greatest consolation of the world.

My lords, I will trouble your lordships no longer than with admitting, for the sake of the argument, that there may be cases, especially in the beginning, where the execution of the bill may call for the exercise of high judicial consideration, through the dignity and learning of the supreme court of criminal jurisdiction. And here I cannot help saying, that it adds greatly to the security I feel upon this part of the subject, that when the bill shall have received the sanction of parliament, it will be delivered over to my noble and learned friend, who presides so ably in the court of King's Bench. From his high authority, the inferior magistracies will receive its just interpretation, and from his manly and expressive eloquence, will be added a most useful inculcation of its obligations; for I must once again impress upon your lordships' minds, the great, the incalculable effect of wise laws, when ably administered upon the feelings and morals of mankind. We may be said, my lords, to be in a manner new created by them. Under the auspices of religion, in whose steps they must ever

tread, to maintain the character of wisdom, they make all the difference between the savages of the wilderness and the audience I am now addressing.—The cruelties which we daily deplore, in children and in youth, arise from defect in education, and that defect in education from the very defect in the law, which I ask your lordships to remedy. From the moral sense of the parent re-animated, or rather in this branch created by the law, the next generation will feel, in the first dawn of their ideas, the august relation they stand in to the lower world, and the trust which their station in the universe imposes on them, and it will not be left to a future Sterne to remind us, when we put aside even a harmless insect, that the world is large enough for both. This extension of benevolence to objects beneath us, become habitual by a sense of duty inculcated by law, will reflect back upon our sympathies to one another, so that I may venture to say firmly to your lordships, that the bill I propose to you, if it shall receive the sanction of parliament, will not only be an honour to the country, but an æra in the history of the world.

The *Lord Chancellor* approved of the principle of the bill, but thought the application of it attended with some difficulty. That, however, was a matter of consideration for a Committee, and in that stage of the proceeding he would give the measure every possible attention.

The bill was then read a second time.

HOUSE OF COMMONS.

Monday, May 15.

[STORE-KEEPER IN HYDE-PARK.] Mr. *Whitbread* rose to call the attention of the house to a subject, trivial certainly in one point of view, though of some importance in another, and relative to which he proposed to offer a motion. It was a disgusting circumstance which ought not to exist; namely, the appointment of a person to the office of Ordnance Store-keeper in Hyde-Park, with a salary of 120*l.* a year, a comfortable house to live in, with allowances of coals, candles, and other perquisites; and this a person who never had served the country an hour in army or navy, and also a foreigner. This situation ought to have been conferred on some meritorious old officer, worn out in the service; and many hundreds of such, he was sorry to say, there were pining out the evening of life in penury, any one of whom would be glad of such a situation. The person who held this appointment might have been for years perhaps the faithful servant of some honourable gentleman or noble lord, who, no doubt, recommended him to the patronage of the master-general of ordnance. It was certainly right that long and faithful services should attach the regard of a master to his servant, and it was desirable that meritorious persons in such stations should have comfortable provision for old age; but, then, persons in opulent circumstances should make that provision at their own expence, without trenching on that source which should exclusively belong to military men who had claims upon the generosity of their country, when worn out in her service. The honourable member concluded by moving for a copy of the appointment of Christian Frederick Walter to the said office of Ordnance Store-keeper in Hyde-Park, and an account of the salary, and all emoluments attached to the said office.

Mr. *Wellesley Pole* said, he was the person who had five years ago recommended this Mr. Walter to the situation, in consequence of an application from lord Chatham, then master of the ordnance, to him, requesting him to look out for a trusty person to fill that office; and it was he also who had named the salary of 100*l.* as a reasonable allowance for the service. Mr. Walter, he said, certainly was a Hanoverian, who had been 37 years in England, the greater part of which time he had been a faithful servant in the employment of Mr. Villiers, and maintained an unimpeachable character. Had he (Mr. Pole) conceived the employment, which required constant attendance, to be of such a nature that a military officer could look upon it as acceptable, he certainly should have recommended the place to be filled by such a gentleman; but having no such idea, he recommended the present store-keeper, and took upon himself the whole responsibility for whatever was blamable in the appointment.

Mr. *Whitbread*, in explanation, said, he had thrown no blame on any person whatsoever; all he had said was, that in his opinion the military were the proper persons on whom such appointments should be bestowed; and he was sure he could get a hundred officers who would be happy to accept it. He also thought the Master General of the Ordnance should have looked out for some such, upon whom to bestow it.

The motion was agreed to.

[Sale of Offices Prevention Bill.] On the order of the day for the further consideration of the report upon the Bill to prevent the Sale of Offices being read,

Mr. *Ponsonby* observed, that there was a difference between the manner of appointing the Masters in Chancery in Ireland and in this country; such appointments being made by the crown in the one, while they were made by the Lord Chancellor in the other. In consequence of this difference, it had become a practice for such masters as were about to retire to dispose of their places for money. A case of this nature occurred while he had the honour to hold the seals, and being applied to as usual, to sanction the sale, he hesitated, conceiving it rather extraordinary that a place for the administration of justice should be sold for money. However, upon being informed of the custom, and that the person seeking to dispose of the place had himself bought it, he gave his consent, on condition that the place should not again be sold by the purchaser. Yet as the circumstance of such purchases on the part of other masters created a case with regard to Ireland, to which the provisions of this Bill would not in equity apply, he suggested the propriety of introducing a clause upon that subject.

The *Chancellor of the Exchequer* expressed his readiness to support a clause to meet the case referred to, and recommended the right hon. gent. to propose it.

Mr. *Ponsonby* intimated his intention to do so.

The *Chancellor of the Exchequer* then stated, that if it was the wish of any member to propose further amendments, he would propose a re-committal of the Bill.

Lord *Folkestone* said, the bill in its present state was perfectly nugatory. He had formerly had it in contemplation to introduce a clause into it, but on its being pointed out to him that the clause he thought of bringing forward would countenance the continuation in place of a person who had procured his appointment by corrupt means, in consideration of his having afterwards given information against others, he had not submitted it to the Committee. He was of opinion, that it would be proper to hold out some inducement to persons thus situated to inform against others concerned in such corrupt practices that some of the offenders might be punished (A cry of move, move! from the Opposition). The noble lord concluded, expressing an inclination to make a motion to that effect.

The *Chancellor of the Exchequer* wished the bill to be made as effectual as possible. He had no objection to give the noble lord every opportunity to improve it by the introduction of a new clause, and he would therefore move that it should be recommitted.

The Bill was then ordered to be recommitted, and the house resolved itself into a Committee.

Lord *Folkestone* then moved "That for every such offence the partyshould be liable to forfeit and pay the sum of 500*l.* which sum should be given to the informer. The convicted offender being punished by fine and imprisonment, or by the one or the other, as the judges should direct."

The *Chancellor of the Exchequer* said, as he understood the noble lord intended to bring forward another clause, he wished to hear that; that knowing the substance of both, he might be able more correctly to judge of the measure suggested.

Lord *Folkestone*, in reply, stated it to be somewhat on the same principle as the clause which he had formerly been induced to suppress; namely, the exonerating from punishment those who informed for having participated in the offence. Though he would have the party disabled from holding a situation obtained through such improper and unconstitutional influence.

The *Chancellor of the Exchequer* did not think the Committee could go to the length of the noble lord's proposal. Were there no other ways of gaining information of such practices, it might be expedient to resort to the mode he had pointed out. But in the present state of things, he did not think it proper to hold out such a temptation to false evidence, or obtain true information by such means, and under such circumstances; possessing, as they did, other means of obtaining information, it was unnecessary. The temptation held out to false information, by adopting such a measure, he thought extremely dangerous, as the artifices of an infamous scoundrel might procure him 500*l.* in some instances, where the provision that the informer should lose his place, could do him no injury, which sum his benefactor, though far less culpable, might be compelled to pay.

Mr. *Tierney* thought the objection of the Chancellor of the Exchequer not a very strong one. If the benefactor of an in-

famous scoundrel were liable thus to be punished, what argument was it against the clause? He ought to have had nothing to do in such an affair.

Lord *Folkestone* observed, the Chancellor of the Exchequer had said it was unnecessary to resort to such an expedient to obtain information, as sufficient information could be derived from other sources. This he denied; without the evidence of some one concerned, to obtain information was difficult, and perhaps in some instances impossible. He never thought the bill would do much good, but from the view he then had of it in its present state, he thought it might do harm. He thought with the right hon. gent., that it was but fair if the patron of an infamous scoundrel should suffer for endeavouring to advance such a character to a place of emolument or trust.

The *Chancellor of the Exchequer* declared his mind was open to conviction. The words of the right hon. gent. had had some effect on him, and if they could satisfy him that such a measure would be likely to benefit the country, he would give it his support. The noble lord had spoken as if information thus gained must be true; but that he thought extremely doubtful. He was of opinion, punishment would frequently fall where it was least deserved. Men might have exerted their influence with others to obtain a situation for scoundrels, who had got round them, and who might be wholly unknown to the person who gave them their situations. Yet against that person might they give information, though no party in the corruption. He might have given places to various persons on the recommendation of others, on whom he thought he could rely, since he had been in office, and a man thus appointed, might, were such a clause received, accuse him of corruption. Information might be given of the wrong, and, wrong or right, the informer would be rewarded.

Lord *H. Petty* knew of no information that could be procured from accomplices, which would not be attended with such concomitant evils. He, however, thought the informer more likely to accuse the right than the wrong, for this plain reason; it was more easy to substantiate the fact in the former case than in the latter. He thought with the noble lord, that the bill in its present state was useless. That which it proposed to make a misdemeanor was before punishable by law, but no proceedings had ever been instituted against any one. Why? Because no inducements were held out to call forth witnesses to substantiate the fact and furnish evidence.

The *Attorney General* opposed the clause, on the grounds that punishment might fall where it was least deserved. A and B might be trafficing for a place, which B might obtain for A, through the influence of C, who might be wholly ignorant of the traffic between them. B being dead, A might charge C with corruption, though only culpable in yielding to the solicitations of B, and bestowing an office on a person he thought deserving of such a situation. A might, in fact, be more likely to accuse C than B, however culpable B might have been; as A and B might be supposed to be friends, while between A and C no connection whatever might have existed.

After some further observations, the house came to a division upon the Amendment proposed by lord Folkestone,

Ayes	31
Noes	74
Majority against the Amendment	43

[IRISH DISTILLERIES REGULATION BILL.] Mr. Foster moved the second reading of the Irish Distillery Bill.

Mr. *Bernard* rose to oppose this motion. He said, that this bill went merely to amend the laws as they now existed, and to continue a principle of finance which had been proved to be ineffectual. It was under these laws, and the principle of them. of collecting the duties by what was called a system of survey, that is, by measuring the wash, low wines and spirits, that all the illicit distillation had flourished, and still continued to flourish. He said, he was borne out by the Commissioners of Inquiry in desiring that this system should be departed from, as they had recommended another system, called the licence system, under which a distiller had only to take out a licence, and pay for it according to the number of gallons of spirits which it was presumed he could make in a year, by which means the revenue was sure of being very considerable, and the distiller was left at liberty to work without the vexatious interference of the excise officers. He was of opinion, that unless small stills were allowed to work, the illicit distillation would never be put down. He referred to Mr. Croker's evidence to prove, that a small still would

pay more duty comparatively with a large one; but so long as the right hon. gent. persevered in his system of giving bounties of 8*l.* and 10*l.* per cent. on the duty paid by distillers using large stills, it was impossible that a small still could work in competition with them. He said this system of encouraging large stills was very injurious to the landlord and to the farmer; it took away the market from the interior of the country, for grain, which the farmer would have if persons were admitted to work small stills; and as to the illicit trade, it was obvious, that if a large district had no vent for its grain, and no cheap supply of spirits, there always would be illicit distillers. He then said, that the right hon. gent. meant by this bill to double the fines on townlands; this was a pretty way to meet the complaints of the people of Ireland against these fines. He read from a Report of the Commissioners of Inquiry a statement shewing, that in one county the amount of fines imposed in one year was 80,000*l.* but that only 600*l.* had been able to be collected, and that the expence which it cost the public to make the seizures for which these fines were to be levied was 50,000*l.*, so that the whole benefit of the system was, that of the excise officers, and no stop was put to illicit distillation. He, therefore, feeling that the bill did not go to attain the object which it professed to do, and which was desired by all the Irish members, namely, to admit small stills to work, would move, that it be read a second time this day three months.

Mr. *J. Stewart* said, that though he agreed for the most part with what had fallen from the last speaker, he thought it better to let the bill go to a Committee.

Sir *George Hill* was surprized at the motion of his hon. friend for putting off the second reading of this bill. Having been privy to many conversations between the distillers and the Chancellor of the Exchequer for Ireland, he bore testimony to the attention with which every suggestion from them was received, and was sure that the fullest consideration would be given to any amendments which honourable gentlemen might be disposed to propose in the Committee.

Mr. *Parnell* said he rose to support the amendment of the hon. member who spoke last but one. He thought with him, that this bill ought to be opposed on its principle, which was to continue a system of collecting the duties on spirits, which had been proved to have failed by the Report of the Commissioners of Inquiry, and which, though amended session after session, was still ineffectual, because it was notorious to every one who knew any thing of Ireland, that illicit distillation was at this moment carried on there to a great extent. The Commissioners proved that in one year the loss of revenue was near two millions, and this loss can be attributed to no other cause than a great defect in the system pursued in attempting to collect it. They had not only, however, proved the extent of the evil, but they also proposed a remedy; this was to adopt the system of Scotland, and permitting distillers to work very small stills under a licence, the amount to be paid for which was calculated on the number of gallons which his still could work in a year. He said that this mode appeared to him to be the only one that could effectually put down the illicit distillation, because it was absurd to imagine that the exertions of the revenue officers could ever be adequate to counteract all the plans which illicit distillers have it in their power to adopt; the only way to proceed was to encourage persons to set up legal stills over the whole country, by suffering them to work with small capital, and without the vexatious oppression of the laws as they now stand in respect to regulations, and powers given to the revenue officers. For so soon as legal distillers were so established, they would be so interested in preventing illicit trade, that they alone, without the aid of the revenue officers, would soon clear the country of it. The policy of this method of proceeding had been fully established in Scotland. Before 1786, the system of collecting the duties on spirits was exactly the same as it now is in Ireland; the whole country was supplied by illicit distillation. In that year the licence system was adopted, and it is proved in the evidence given before a committee of the house, that in the first year 18,000*l.* was collected, whereas 18*s.* had never before been collected; that the legal distillers detected and punished the illegal distillers, and that the increased demand for grain soon contributed to the general improvement of the agriculture of Scotland, and changed altogether the face of the country. Under the circumstances of the Commissioners of Inquiry having recommended a specific remedy to be adopted, it appeared to him very extraordinary that the right hon. gent. should propose a

measure to the house in direct contradiction to their recommendation, without shewing that it did not deserve to be attended to. For his part he thought that when parliament had appointed commissioners to enquire into the collection of the revenue of Ireland, to whom they had paid an immense sum of money as a reward for their trouble, it was the duty of the right hon. gent. either to adopt their advice, or shew why it ought not to be adopted; for it would be of no use to the public to pay these Commissioners so largely, if by no possible means the information and advice which they afforded the public was to be wholly neglected. The hon. member then said that he knew very well that the right hon. gent. was ready to say that his bill went to admit small stills of 50 gallons content to work. So it did; but what purpose would it avail to have such a power given in one clause, if in the next such regulations were laid down that would break any man who attempted to work a small still. It was absurd to hold out such a concession, for no man in his senses could for a moment conceive it possible for a small still to work, so long as the bounty of 16 per cent. was given to a person working a 1,500 gallon still; who, even without the bounty, would, in consequence of his large capital, and the large scale of his work, have great advantages over the person working a small still. He said that it was of vast importance to the Irish members, and the people of Ireland, that the decision of the house should be a correct one; because, if the system of the right hon. gent. was to be persevered in, the same deficiency of revenue was still to be calculated upon; and as this had been computed at two millions, it stood to reason that new taxes would be imposed to provide for this deficiency, whereas if a system was adopted, by which the whole duty on spirits made in Ireland could be collected, no necessity would exist for any new taxes, so far as a sum to this amount was in question. He also said, that the licence system proposed was attended with this peculiar advantage, that but few excise officers would be wanting to assist in collecting the duties; and this was a circumstance which rendered it peculiarly applicable to Ireland, because the only justification which the right hon. gent. could advance when a charge was lately made by a right hon. baronet near him against an officer, was, that every other officer of the excise had been equally culpable.—He said he thought that the hon. member who spoke immediately preceding him, had taken a wrong view of the subject, when he said that he conceived this bill might be considered in the committee so as to meet the wishes of the Irish members; in his opinion, if it even got into a committee, no such amendment could be made to it, because the alteration which was desired, went to a repeal of all the laws by which the duty on spirits was now charged, and the enactment of a new law, founded upon a new principle.—He hoped, therefore, that this opportunity would not be thrown away of getting rid of a bill, which could never provide an effectual remedy for the evil complained of.

Mr. *Foster* said, it was admitted that the laws on this subject wanted amendment: he knew that they did, and it was an object that the bill should go to a committee to find out the best mode. There was not one clause in the bill contrary to the opinion of the committee; there was a clause expressly for the encouragement of small stills, and if any gentleman wished to read the clause, he would read it to him [a laugh]. The right hon. gent. then read the clause, and argued that it was one of the leading principles of the bill to license small stills. His object for introducing it was, that it would afford a market throughout the country for small farmers to sell their corn. Whether the duties were raised by survey or licence, he was sure they could never be collected without the co-operation of gentlemen and farmers, but he would make great sacrifices to public opinion, to forward the object in view. He concluded with recommending to the house to go into a Committee on the bill on Thursday next.

Sir *J. Newport* said, he would allow the bill to go to a committee if it were likely to answer the object. The officers under the survey system had been guilty of great fraud, and he had complained of one who was subsequently promoted; the present bill went to the indemnification of all officers who had been guilty of collusive seizures, and he could not think the bill likely to go to a committee; it was incapable of emendation, and he wished it to be rejected altogether.

Col. *Barry* said he had heard no objection but what could be answered in the Committee, and would therefore vote for its committal.

Mr. *French* would wish the bill to go

forward if it were likely to have any good effect, but the principle of the bill was bad, it went to punish the innocent for the guilty. If a still were found in a parish, the landlords and the inhabitants were to pay the fine; it went to cover the acts of the officers, to afford those indemnity who, it was known, had received three fines upon one still: first they got a fine of 50*l.* then returned it, and again received 50*l.*; and thus till they obtained 150*l.* A Bill which could encourage such practices, such an odious Bill—ought to be scouted out of the house.

Mr. *Dennis Browne* said, where private distilleries were put down, loyalty increased, and he knew it was in the power of the gentry to do so. If the Chancellor of the Exchequer gave up his penal clause, it would give life to illicit distillery and disloyalty.

Mr. *Huskisson* thought the bill should be allowed to go to a Committee, in which the fines and the drawback allowed to large distilleries might be so regulated as to prevent their being injurious to the smaller ones.

Mr. *Fitzgerald* was glad to hear the hon. gent. argue as he did, but thought, if he acted on his theory, he would vote against the Chancellor of the Exchequer. From the sentiment of that right hon. gent., others must have a higher opinion of his complacency than he had, to think he would give way in the committee to change the substance of the bill.

Col. *Barry* said, his object in wishing the bill to go to a committee was, that its severities might be softened.

Mr. Barnard withdrew his amendment, and the bill was then read a second time.

[MARTINIQUE TRADE BILL.] On the question that the Martinique Trade Bill should be read a second time;

Mr. *Marriat* said, he was surprised that the measure should be brought forward without any attempt to prove its expediency. It was not beneficial to the British West India islands, but it would be a serious injury to the sugar refiners of this country, by bringing the sugar of Martinique in competition with theirs in the foreign market. Another class to whom it would be injurious was the inhabitants of Martinique themselves, who had agreed not to obstruct the army, in consequence of a proclamation which declared that they should be restored to the same government they had before; such was the condition held out, and they were now about to legislate in violation of it.

Mr. *Rose* said, that he could not help thinking the gentlemen who belonged to the British plantations good judges of their own interests. With respect to the Sugar Refiners, he admitted they would incur some disadvantages from the bill. As to the promise held out in the proclamation, it could not mean that they should be restored to their former government and state, but signified a general expression of kindness which was not violated by the bill before the house. By it they were placed in a situation little inferior to the British planter; and by the 13th article of the capitulation, provision was made to keep that measure open to the adoption of the legislature. Where then, he asked, was the breach of faith? It had been said that a remonstrance was coming over; it might be the case, but he could not believe that it would be signed by the officers who commanded until he saw it.

Mr. *Jacob* contended that they were to construe the capitulation, not according to the intention of the officers, but to the sense in which it was taken by the people who were the subjects of it.

Lord *Castlereagh* said, that the public faith of the country was not pledged to the proposition stated by the hon. gent. The officers could not use a language capable of such an interpretation. They had gone out unshackled, and there was no stipulation or understanding between them and the inhabitants of Martinique previous to the proclamation. Upon that ground, therefore, the question was to be argued; he lamented that the principle of that measure was not taken up at an earlier period, as much benefit would result from it. Upon the whole, the motion had his approbation.

Mr. *A. Baring* said, as a mere question of policy it was necessary to cultivate the militia of the island; for when we were last in possession of it, they repulsed several attacks made by the enemy from Guadaloupe, and as the bill did not go to give that encouragement, he would give his decided opposition to it, as he conceived Martinique was entitled to the same favour bestowed on other conquered islands.

Mr. *Hibbert* said a few words in opposition to the bill.

The gallery was cleared, but the house did not divide. The question was carried, and the bill was read a second time.

HOUSE OF LORDS.

Tuesday, May 16.

[WRIT OF ERROR IN THE CASE OF HART AND WHITE.] John Harriott Hart, Printer, and Henry White, sole Proprietor of a Sunday Newspaper, called the "Independent Whig," Plaintiffs in Error, *v.* the King, Defendant in Error.—Pursuant to the Order of the day, the Counsel in this cause, Mr. Clifford, on the part of the Plaintiffs, and Mr. Attorney and Mr. Solicitor-General, on the part of the Crown, appeared at the Bar about three o'clock, when,

Mr. *Clifford* addressed their lordships as follows: "My lords, in this case, I have the honour to appear before you on the part of the Plaintiffs in Error. The question now under your lordships' consideration is of so much importance as necessarily to command attention. I should, therefore, hold it a waste of your lordships' time, if I made any prefatory remarks upon it. My lords, this is a Writ of Error against a Judgment given in his majesty's court of King's Bench, in a case originating in an information filed by the Attorney General against the Plaintiffs in Error, John Harriott Hart, and Henry White. The venue of the information was laid in the city of London, where the Trial also took place. The Plaintiffs were afterwards brought to the Bar of the court of King's Bench, where Judgment was passed upon them, the one to be imprisoned in the county gaol of Dorset, and the other in the county gaol of Gloucester, for 18 calendar months, after the expiration of which, each party to be farther imprisoned for the like term; and, at the end of this imprisonment, each of the Plaintiffs in Error to give security for their good behaviour for five years, themselves in the sum of 500*l.*, and two sureties in the sum of 250*l.* each.—Upon this Judgment, my lords, this Writ of Error is brought before you, and I hope satisfactorily to convince your lordships, that this was an erroneous Judgment, and therefore ought, in justice, to be reversed and annulled by this high and honourable court. This Judgment, my lords, admits of two great and leading grounds of objection: the first, as the gaols of Dorchester and of Gloucester in which the Plaintiffs are imprisoned under the Judgment of the court, being neither of them the immediate prisons of the court, or the gaols of the counties where the offences were committed, nor the court of King's Bench being, at the time of passing sentence, sitting in either of these counties; and secondly, to which another part of my arguments shall apply, as to the security required from the Plaintiffs, which I contend is illegal and excessive, and, therefore, should not be required of the Plaintiffs. Upon this assignment of Errors, the Attorney-General, on behalf of the crown, pleaded generally, that neither in the record and proceedings, nor in the Judgment, was there any Error. The question now for your lordships' consideration is, whether on these two points, or either of them, the doctrine asserted and upheld by the Attorney-General, or the views of the case which I shall have the honour to submit to your lordships, is the best founded in the law and constitution of the country? There are some points connected with a general view of this case, which I may not think right to urge in the first instance; but with which, I may, according to what shall fall from the counsel for the crown, touch upon, at the opportunity furnished me by your lordships' rules, in replying. In discussing this case, no want of candour in viewing it, shall be fairly attributed to me. I admit, then, that all the gaols in the kingdom are his majesty's; that the court of King's Bench is supreme in criminal jurisdiction throughout England; that it may commit offenders to any prison it thinks proper, in case the court, at the time of passing such sentence, should sit in the county to which such prison belongs. I admit every one of these points. My lords, the principle laid down by the Attorney-General in reference to this part of the case, is a very general principle; to the length I have stated, I fully go with him, but by no means to the extent. The courts of justice, and prisons, are held by the law and constitution of the realm, to be the king's, for special and particular purposes. I flatter myself, I shall be able to convince your lordships, that the legal purposes for which the gaols were allotted for confinement of offenders, was for the imprisonment of those who were guilty of offences in the body of the counties in which such gaols were situated. In advancing this, I do not mean to contend, that it would be illegal to have sent the Paintiffs to any gaol in the county of Middlesex, for there the sentence was passed; nor to any gaol in the city of London, because there the offence was committed. I request your lordships to bear in mind the

distinctions which I admit, that the court may send persons either to gaols in the counties where the offences had been committed, or in those where the court sat at the time of passing sentence. In former times, when the power of imprisoning individuals was exercised by other persons as well as those constituting his majesty's courts, these persons, with a view to the extortion of money, instead of sending the objects of their power to the county-gaols, used to send them to their own castles. These were chiefly justices of the peace, and by an act of the 5th of Henry 4, chap. 10, that power was taken away, and it was enacted that individuals should be imprisoned no where but in the gaols. Now, my lords, I know full well that taking away the jurisdiction from justices of the peace was not to take it away from the court of King's Bench; but it is rather too much to contend, that, if justices of the peace had usurped this species of jurisdiction, that, on their being deprived of this usurped jurisdiction, it was necessarily transferred to the court of King's Bench."—The learned counsel then referred to a case occurring in the 11th of Edward 4. Having stated the circumstances, he observed, "If at that time it was held the undoubted right of the court of King's Bench to commit to any gaol it thought proper, because all were his majesty's prisons, there would hardly have existed any thought of an investigation what particular prisons those persons should be sent to! What I am now about to state is extremely strong; it respects the consideration whether the sheriffs of England be officers of that court." In illustration of this, he referred to a case occurring in the 21st of Edward 4, the appeal against Winkfield, as reported by Brooke, in which it was held that the sheriff of Middlesex was not the immediate officer of the court, except for things done in that county. "This latitude of discretion in the Court of King's Bench was doubted; but it appears that it could not legally exercise such a power, because the sheriff is not the officer of the court, except for things done in his county.—If this be so, in what possible way can the sheriffs of Dorset or Gloucester be held as officers of the court, or have persons committed in the way before us, legally transmitted to their charge? This quotation from Brooke is given not only as he found it to be decided, but with his observations and additional remarks. Having stated these cases from rather remote periods of our history, I come to one of comparatively modern date, and which bears materially upon the subject. In the 34th of Elizabeth, complaints had been made that the Star-Chamber and privy-council had acted in a most arbitrary manner, especially with respect to the imprisonment of individuals, some of whom were sent to distant gaols. Writs of Habeas-Corpus were issued in consequence, and the persons were liberated. Disputes arising between the courts and the Star-Chamber, a reference was made to the twelve judges, who delivered their opinions in writing, upon the points referred to them, in which statements it was observed that some of the persons so delivered had been committed to prisons in secret places! It was acknowledged by those judges, that individuals were confined in secret prisons, and not in ordinary places. Every prison at a distance may be regarded as a secret prison, at least from the families of the unhappy persons so immured, and this emphatically is the case of the plaintiffs confined in the gaols of Dorchester and Gloucester!" Having described the functions and powers of the court of Star-Chamber as regulated by the act of Henry the 7th, the learned counsel proceeded. "But in what way, my lords, was this court authorized to punish? Not according to any new fangled discretion of its own—it was restricted to the pronouncing of such judgments as were warranted by the common law of the realm. Afterward, when the abolition of this tribunal took place, 'all that was good and salutary of the jurisdiction of the court of Star-Chamber,' in the language of Mr. Justice Blackstone, 'reverted to the court of King's Bench,' but no farther was it vested with those powers of imprisonment, so stigmatized in the court of Star-Chamber. I shall now proceed to the reign of Charles the First, which furnishes us with some memorable cases, upon which I shall beg leave to trouble your lordships: I mean those of Mr. Prynne, Mr. Burton, and Dr. Bastwick. The sentence which was passed upon them by the court of Star-Chamber, took place in the year 1637—they were doomed to stand in the pillory, sentenced to a considerable fine, and to be committed to close custody to the gaols of Launceston, Lancaster, and Caernarvon; they were sentenced to stand in the pillory in Palace-yard, Westminster, to a fine of 5,000*l.* and to incarceration in

those remote prisons I have mentioned.* The case is so far precisely parallel with that for which I have the honour to stand before your lordships. My lords, I can entertain little hope that any thing stated by a person while undergoing such a sentence, can have much weight with the deliberate wisdom of your lordships; but the sentiments uttered by Dr. Bastwick, under the circumstances, deserve some consideration. In order to excite sympathy and compassion, he addressed the populace, and particularly dwelt on the measure of sending the sufferers to remote places of confinement as new, unjust, illegal, and oppressive. It is not likely that a man in such circumstances should have so openly asserted a direct falsehood, which must have been apparent at the time, and have rather hurt than benefited his cause; but what he advanced was never contradicted, and the practice complained of was conceived by the people, at the time, as a novelty, and contrary to law. Petitions were afterwards presented to the house of commons, on behalf of Mr. Prynne, Mr. Burton, and Dr. Bastwick. The petition of Mr. Prynne, particularly complained of the hardships inflicted upon him and his fellow-sufferers, and in the prayer of his petition he requested that the house may take their grievances into its most serious consideration, in order that such novel practices may not become precedents to the prejudices of others. We all know, my lords, that Mr. Prynne was one of the best lawyers that ever appeared in Westminster-Hall, and that such a person was not likely to be ignorant of the laws of his country, or so foolish as to state, on such an occasion, to parliament, that the punishment they had undergone, by being sent to a place of confinement out of the county in which they were sentenced, was illegal and a grievance. As soon as those petitions were read, my lords, they were referred to a committee to consider and to report upon the several abuses therein stated, as committed by the court of Star-Chamber, or any officer under its authority. From these proceedings we may fairly infer that the conduct complained of was an abuse of the authority of the court, and contrary to law. It was afterwards resolved that such practices were against the law, injurious to the liberty of the subject, and ought to be prevented. A distinct resolution declared that the sentence of the privy council for sending individuals to distant prisons for confinement, was illegal. Mr. Prynne was ordered to be restored to his degree in the University of Oxford, and to his chambers among the Society of Lincoln's Inn. It was ordered by the house of commons, in March 1640, that a committee should be appointed to consider of the Court of Star-Chamber, and to prepare a bill concerning the same. In May 1641, a bill was passed in the commons for taking away the power of the Star-Chamber. This act was now on the statute-book as the 16th Charles 1, chap. 10. The bill underwent much consideration in the lords, as appeared by their lordships' journals, and after some difficulty it was passed. The illegal practices of the court, and the grievances occasioned by them, were duly noticed, particularly in the preamble of the act, which prescribed that from and after the 1st of August 1641, the court of Star-Chamber should be actually dissolved and abolished. It appeared that at first there was no intention to abolish the Star-Chamber, and the idea was not entertained until after the report of the committee. Now, my lords, what was the report of that committee? I should first observe, that the committee itself originated in the petitions I have adverted to, which particularly dwelt on the illegality and grievance of the imprisonment in distant gaols. The committee only reported upon the abuses complained of in these petitions. Upon hearing these, the house of commons directed its committee to prepare the bill, and to consider at the same time of the enormous sentences pronounced by the Star-Chamber. The concluding clause of this memorable bill enacts, that no court in future shall have the like jurisdiction as that court was vested with or had used to exercise. It appears, my lords, from the time of presenting the petitions I have mentioned until the bill received the royal assent, that the only abuses which led to the destruction of the Star-Chamber, were the abuses complained of in those petitions, the prominent point in which was the illegality and grievance of imprisonment in distant gaols; and I can confidently advance that the Court of King's Bench does not, legally, possess a shadow of this power, unless his majesty's attorney-general produces some modern statute which invests them with that power. Nothing short of such an authority can, legally,

* 3 Cobbett's State Trials 711.

confer the power of inflicting such a punishment, and I must decidedly protest against the idea that any precedent of modern date can vest such an authority in the court of King's Bench; and I do humbly, but confidently contend, my lords, that the court in question possesses no such legal power, unless the attorney-general can shew a statute which gives them that investiture. In the year 1642, my lords, it is to be found, at the time that disputes had arisen between the king and the parliament, that the latter being at a loss for money, when it had passed an ordinance for the raising a large body of the troops for its service, and for the purpose of enabling them to do so, an ordinance was passed for the payment to the state of a twentieth part of the property of individuals, and towards the enforcing of which the process of distress was authorized. It was farther ordained by the parliament, with respect to the raising of this money, that defaulters, or persons refusing to answer, were to be brought before the house of commons, which should have the power of imprisoning, in such case, at its discretion, those persons, in such places in the kingdom as it should think fit, and to direct, that the families of such persons should have no longer any intercourse with them! From this proceeding, we may clearly infer that no such power as that of consigning offenders to distant places of imprisonment, was held to exist in the court of King's Bench; if such an authority resided in that tribunal, it would hardly be deemed necessary to pass an ordinance. This remarkable measure was afterwards commented upon on the part of the king himself, when it was properly observed, that the power of imprisoning his majesty's subjects in places distant from the scene of their offences, was a latitude of judgment which no court of law could challenge to itself. This, my lords, was the construction put upon this assumed power, in opposition to the parliament, by king Charles himself. Of the illegality of such a practice, I ask, my lords, can there be a stronger authority? The allegation on the part of the king, was, that the sending persons to confinement in distant places, was a latitude of judgment which no court could challenge to itself! This assertion of king Charles is equally clear and comprehensive. In the next reign, the house of commons, by an act passed, seems so clearly to have acknowledged, that no such power as sending persons to places of distant confinement could legally exist, that no mention whatever of such mode of imprisonment was made therein; but, a clause was inserted in the bill to prevent illegal imprisonment in parts beyond the seas. In the 36th of the same reign, viz. in 1684, a clergyman of the name of Rosewell was indicted for preaching a treasonable sermon in the county of Surrey. I knew not what doubts could exist with respect to the place of confinement, as the prison of the court is situated within that very county; but, from this case, it appears, though the Attorney-General of that day, who was known to be a considerable lawyer, that doubts were entertained in that respect, but those doubts were removed by a remarkable assertion of the then clerk of the crown, who said, that the Gate-House might be the prison, as the court then sat in the county of Middlesex: it follows, by necessary inference, that the court could not be justified in sending persons for confinement out of the county in which the courts sat, the words of the clerk of the crown were held to be decisive, as to the point. My lords, I have next to request your attention to an instance which occurred in the reign of James 2. It is the Case of the King against Beale, of which it is stated, that Mr. Attorney-General moved, that the court would order execution against a soldier for an offence which was committed in a distant county, and for which the government judged it expedient that he should be exemplarily punished. A question arose, whether the court of King's Bench had legally the power to do what the Attorney-General moved for? The Lord Chief Justice, in substance, said, that the motion was irregular, as the prisoner was never before the court. In consequence of this, the prisoner was, under a writ of Habeas Corpus, brought before the court; upon which occasion, the case states, that it was laid down, that the thing required could not be done;—that it may be done in Middlesex, by the prerogative of the judges who then sat in that county. From this decision of the court itself, my lords, it incontestibly appears, that the court of King's Bench cannot order such things out of the county where the offence was committed, or where it is actually sitting at the time. The Report to which I refer goes on to say, that it being judged of some importance at the time, to make an example of the soldier in question, the Lord Chief Justice was removed to another court: two of the judges

forthwith received their quietus, and the seats filled with judges of a more pliant character. The soldier was again brought up, and his execution ordered by the new Chief-Justice, as desired by the government. Thus, we see, my lords, that the court of King's Bench, even at that time, as legally and regularly constituted, declared, that the act moved for by the King's Attorney-General was contrary to law, in the infliction of such punishments out of the county where the offence was committed, or of that where the court sat for the time. The same court so soon after were composed of judges so very different in point of character from their immediate predecessors, who, to the loss of their offices, protested against shedding the blood of their fellow subjects contrary to law. Does not this invalidate the legal and constitutional judgment made by the court in the freedom of decision? That such would be the conduct of the newly formed court was well known to those, who, for the purpose, placed the new judges in their situations. There were several cases of a similar nature in the same reign. But, my lords, the case to which I shall next call your attention, did not occur in such times as those to which I have just adverted; it took place in, perhaps, the best times this country ever knew, I mean, my lords, the reign of king George 1. The case to which I refer is reported in the 6th volume of the State Trials, namely that of Christopher Layer, which occurred in the year 1723. He was tried at the bar of the court of King's Bench, and executed in Middlesex. —This was on the express motion of the Attorney-General, who said there were several precedents for the execution of offenders in counties different from the scene of their offences: the cases of lord Audley, and Fitzpatrick, were mentioned as instances; but, my lords, from what transpired on this well-known Trial, it appeared, that so late as the year 1723, the Attorney-General entertained doubts, Whether the court had, legally, the power of ordering executions any where but where the offences were committed?—These are the only cases of this kind upon which I shall trouble your lordships; but, I am borne out in the principle I have laid down, by authorities in matters of a different kind. In Hale's Pleas of the Crown, 462, a case is referred to of a man who was tried for murder, in the county of Kent;—he was found guilty, and in a note, it is said, the award was for the marshal to do execution, the prisoner having been removed to the custody of the marshal, as the immediate officer of the court. A respectable legal authority tells us, that where judgment of death is given in the court of King's Bench, the execution is to be by the marshal of the court; and by another it is stated, that execution is not to be awarded in a different county, except it be where the court should then sit. My lords, having gone through, or referred to, those different cases, it seems to me, that the conclusion to be drawn is, that in every case where imprisonment has taken place out of the county where the offences have been committed, and in every case where executions have taken place out of the county—in every one of those cases some excuse is offered, some doubts expressed, and some reasons given, why such punishments should not take place in the counties where the offences had been committed. On a memorable occasion, of no very distant occurrence, when an impeachment was preferred at the bar of your lordships' house, it was well said, that 'innovations in law had crept in like heresies in religion, slowly and silently, leaving, in the end, nothing but the false and corrupt semblance of each!'—In the variety of cases to which I have solicited the attention of your lordships, the legality of the mode of punishment complained of by the Plaintiffs, is either doubted, denied, or controverted; and it is shewn that for ordering that species of imprisonment, the court of Star-Chamber was actually abolished. My lords, I have referred to or laid before you various cases and statutes for your serious consideration as to their tendency and effect. I do not feel it necessary at present to enter into a general line of argument upon them. It is sufficient for me at present to state the general grounds upon which I defend those for whom I have the honour to appear before you. I am the less solicitous about entering into such a line of argument at present, because it will depend upon what falls from the learned counsel, how far I shall have to trouble your lordships in that respect. I understand that it is meant, on the other side, to quote some precedents. On this topic I shall generally refer to the sentiments of a great constitutional lawyer. Upon the well-known occasion of the question of General Warrants, and orders issued by Secretaries of State for the breaking open of chests, in order to search

for papers; and, on the action brought by Mr. Wilkes against the under secretary of state, lord Camden, in summing up to the jury, said, that all the precedents since the Revolution afforded no justification for a practice in itself illegal, and against the principles of the constitution!—And in this doctrine, my lords, that great and venerable lawyer was certainly well-founded!—Here we have the authority of lord Camden, and his opinion of the value and effect of official precedents. In the case which subsequently occurred, of the action brought against the king's messengers, for breaking open trunks to search for papers, lord Camden maintained and illustrated the same sound, legal, and constitutional principles; he deprecated the practice of recurring to modern precedent for justification which never could militate against clear and established law; he admitted the authorities founded upon decisions of the twelve judges, but the twelve judges, he said, could not make law! I am not ignorant, my lords, of the cases which may be adduced of modern or recent occurrence to countenance the illegal practices complained of. Among these are the cases of Mr. Redhead Yorke and Mr. Gilbert Wakefield, the one for an offence committed in Yorkshire, and the other for an offence in Middlesex, were confined in distant prisons; that of Mr. Kydd Wake too was of a similar description. It does not follow, my lords, that, because those persons never complained to your lordships, their sentences were not illegal. It was most likely, as lord Camden said upon a particular occasion, that their poverty had prevented their contending against the power of the court. We know, my lords, that it is not every person who has the means of bringing a Writ of Error before the high court of parliament.—Having now gone through the first part of the case, I shall trouble your lordships with a few words on the second part of it: I mean, my lords, that part of the sentence which requires the Plaintiffs to give security for their good behaviour for five years after their respective imprisonments. My objections to this part of the sentence, are on the ground of their being excessive, unusual, and therefore contrary to law; and, viewing the whole of the case of the Plaintiffs, I am rather at a loss to tell why this security is to be given, or what is meant by it. Your lordships will observe that the sentence is for the publication of what is said to be a libel, and a libel upon a court of justice, but the information does not state whether what was advanced be true or false! Is it as a security for good behaviour in every case? Would the security be forfeited by writing a true and faithful account of, and making true and just observations on, the conduct of courts of justice? The information, no one can tell whether it proceeds on the ground of everything advanced being true, or every thing advanced being false. The parties will necessarily be bewildered if any persons, in such a state of uncertainty, should be bold enough to come forward as their securities. It must be known, or are the parties to give up their newspapers, or never to write a line respecting courts of justice, because if either true or false, they may become upon for their security, if it cannot be exactly stated what will amount to a forfeiture of the recognizance. I humbly contend that even in this view of the case, this part of the sentence is illegal, unconstitutional, and void.—In another point of view, my lords, this part of the sentence is equally liable to uncertainty and doubt. Suppose that they cannot get the security required, are they to undergo five years imprisonment in addition, and then to be liberated? No such thing; as the sentence stands at present, they may be imprisoned to the end of their lives, and in places far distant from their families, their friends and their connections! Such a Judgment, my lords, is, I contend, unusual, oppressive, contrary to the Bill of Rights, and therefore contrary to law! Before I conclude, I beg leave shortly to recapitulate what I have submitted to your lordships consideration. I have stated the conduct of courts of law in former times, with respect to cases similar to that before us, and the principles which governed that conduct. I have stated a case from which the court of King's Bench doubted, or decided negatively, as to its own powers with respect to confining persons in distant gaols. I have shewn that upon all occasions there have been some particular grounds or special reasons assigned, for a departure from what was known to be a general principle of law, in those instances where such modes of punishment were awarded by the courts. Even so late as the year 1723, doubts were entertained by the judges and lawyers upon these points; I have shewn the difficulties under which king James the second struggled, in order to carry a sentence into execution according to his wish, so much that he was

obliged to displace the judges of the court, and appoint new ones, creatures of his own! In the reign of king Charles the first, that prince himself protested against the arbitrary and unconstitutional power assumed by parliament in punishing his subjects in the way now complained of. Such my lords, were the ideas which so long prevailed in the country upon these points; such was the conduct of the judges, even in the reigns of the Stuarts, when, if it was found impossible to give such a mortal stab to the liberties of the people, I am sure that under the influence of that family which came to restore and to secure to us those blessings of which the Stuarts in vain attempted to rob us; under the reign of the monarch who now adorns the throne, whom this house and the country look up to as their last and best guidance and support; that upon all such occasions this high and honourable court will oppose the assumption of a power contrary to law, and hostile to the best principles of the constitution.

Mr. *Attorney-General.* I now come to trouble your lordships, and to assure you that the Judgment, in support of which I appear, does not deserve the hard names bestowed upon it, such as were never before used in a court of justice—of cruel, oppressive, and unusual. In good truth, my lords, I believe there could be no reason for bestowing these epithets upon the Judgment, except the knowledge that it was impossible for your lordships to enter into the considerations upon which the court pronounced that Judgment, and measured the punishment it should inflict, because the learned gent. is wise enough to know, that it was not merely from the face of the Record, but from the consideration of extrinsic circumstances, the court measured the Judgment it thought proper to pronounce. That imprisonment is a species of punishment for libellers, and to require security for their good behaviour after their imprisonment, is a very usual practice, must be so well known to the learned gent., that I shall not condescend to shew either a principle or a case for the purpose of supporting thar doctrine! In a great deal of what has fallen from the learned gent., I shall not follow him, because a great part of his statements carry with them their own refutation. But in answer to such of his arguments as have any shadow of bearing upon the question before your lordships, I contend that the court of King's Bench has unlimited jurisdiction throughout the whole kingdom; that his majesty has this jurisdiction also through his first criminal court, the King's Bench. No matter whether it sits in one part of the realm or another, it possesses supreme jurisdiction through the whole. In support of these petitions, as the genuine and established law of the land, I could adduce numberless cases; that of the King and White, in lord Hardwicke's Reports, is all I shall trouble your lordships with. The case was that of a constable at Scarborough who was attached by order of the court of King's Bench for destroying a warrant from the Lord Chief Justice, to be executed in that quarter; this alone would serve, that the court in question possesses a criminal jurisdiction throughout the whole country. The learned gent. does not dispute that all the gaols in the kingdom are the gaols of the king; but he says, they are gaols to be used in a certain qualified way; he denies the right of the king to send persons to any gaol not in the county in which the offence is committed, or where the court is not present. I have in my hand, my lords, what I believe you will agree with me is some authority on those points, Hawkins's Pleas of the Crown. Speaking of the court of King's Bench, he says, that, 'so high a trust does the law repose in the justice and integrity of this court, as generally to leave it to the discretion of the judges to inflict such fine and imprisonment, and even infamous corporal punishment on offenders, as the nature of the crime, considered in all its circumstances, shall require; neither doth it confine them to the use of its own prison, but leaves them at liberty to commit offenders to any prison in the kingdom which they shall think most proper, and doth not suffer any court to remove, or bail any person condemned to imprisonment by them.' —This is the language of that profound and accurate lawyer, and I wonder that any man of the diligence of the learned gent., who could have read this authority, and viewed the question on both sides, could have departed from it and affect to refer to the foolish saying of a clerk of the crown! Viewing this and the numerous authenticities and precedents to which I mean to refer, how is it possible to aver that sending persons to the gaols in Gloucester and in Dorchester, is an illegal act or beyond the power of the court? Will the learned gentleman say that if a publication of the libels in question took place

in the county of Cornwall, the parties might not have been tried and convicted there as well as in Middlesex?—The learned Attorney General then proceeded to the exhibition of a long series of cases and precedents, all occurring since the Revolution, but a great part of them since the year 1786, for the purpose of shewing that the court of King's Bench had exercised a discretionary and legal power in committing offenders to prison in different and distant places from the scene of the offence or the session of the court, and that it ordered up delinquents from distant parts to be tried, at its bar, and caused the infliction of punishments in different places as it deemed expedient; and in the exercise of those powers it was always undisturbed and unquestioned; and he dwelt upon the instance of lord Thanet's committal to the Tower of London for an offence committed in the county of Kent, as a proof that it was not the poverty of the offender that prevented him from calling the authorities of the court into question. —With respect to the observations of the learned counsel for the Plaintiffs upon the security required from them, and the difficulties they would labour under in consequence, he said, "I dare say if the learned gent.'s clients were to ask him whether such and such a particular act would not incur a forfeiture, that his answer would be, 'I will not tell any man who contemplates a seditious publication, or meditates any other illegal act, how near he may go, and yet clear the law; how near the wind he might go without endangering himself!'" The security required, he observed, was to guard against future libellous publications, the better to protect the public peace against future probable invasions of it, and proceeded on the same grounds and principles that various other sentences of the kind were pronounced.

The Attorney-General having concluded, the Lord-Chancellor moved, that the further hearing be adjourned to Thursday. —Ordered.

HOUSE OF COMMONS.

Wednesday, May 17.

[MR. DICK AND LORD CASTLEREAGH.] Mr. *Madocks* observed, that understanding a report had gone abroad, that the case which he felt it his duty to submit to the consideration of the house in the course of last week, was brought forward at the instigation of Mr. Dick, he thought it proper to state, that his information upon that subject was derived from another quarter, and that he had not brought the business before the house either at the instigation or with the concurrence of Mr. Dick.

Mr. *Foster* said, that being a relation of the gentleman whose name had been just mentioned, and having been long a friend of his and his father's, he had received a letter from him upon that subject, to which the hon. member alluded, from which letter the right hon. gent. read the following extract: "I beg to assure you that the statement of lord Castlereagh having suggested to me that I ought to resign my seat rather than vote against the Duke of York, is totally unfounded."

HOUSE OF LORDS.

Thursday, May 18.

[WRIT OF ERROR IN THE CASE OF WHITE AND HART.] Their lordships met at two o'clock, and most of the Judges attended.

The *Solicitor General* (Sir Thomas Plomer), spoke for about two hours in defence of the right of the court of King's Bench to pronounce such a sentence as it had done in the case of White and Hart, the editor and printer of the weekly newspaper called the "Independent Whig," who had been convicted of a libel on that court in the administration of justice. He contended that there was no foundation for the theory laid down by the learned gentleman (Mr. Clifford) on the other side, on Tuesday last, when he attempted to maintain that the court of King's Bench had no right to execute its sentence except in a gaol of the county wherein the offence was committed, a gaol in a county where the court actually sat, or their own peculiar gaol. He reviewed the historical part of that learned gentleman's speech, and examined his arguments as drawn from the instances of distant imprisonment in virtue of sentences passed by the court of Star Chamber. He controverted the statement that the court of Star Chamber owed its abolition in any principal degree to such punishments. The punishment which gave offence to parliament of this nature, was not one that sentenced to distant prisons (as they were called) in England, but, in the cases of Prynne, Bastwick, and others, who were sent to the islands of Jersey, Guernsey, and Scilly. It was not correct in historical fact, to say, that the abolition of the jurisdiction of that court was owing

to such causes. There were other and weightier causes assigned for that measure. It was in point of fact, not the sentences passed, but the whole proceedings of that court previous to the passing of such sentences, that alarmed the fears, awakened the jealousies, and procured the votes of parliament which effected its abolition. In support of his observations, he referred to lord Clarendon. He noticed some expressions which had fallen from the learned gentleman, respecting words used by Bastwick when undergoing his sentence in Palace-yard, and desired to know by what modern lights it was discovered that the sayings of a man in Palace-yard, addressed to the mob, were to be introduced by lawyers, or received in a grave and learned assembly as matter of illustration, reference, or precedent. He observed that the cases in which the learned gentleman attempted to make out any thing in his support were all anterior to the Revolution. That learned gentleman, he contended, was, from various instances, of which he cited several from which he endeavoured to shew the weakness of his arguments, erroneous in his notions respecting the right of the court of King's Bench, even previous to the era of the Revolution. There was much said about good times and bad times; but he should like to know into what political dictionary he was to look for a definition of which were the good times, and which were the bad times. There was always enough of that sort of argument to be met with whenever legal precedents were resorted to, whatever be the nature and necessity of the case. Coming down, however, to the period of the Revolution, he believed it would be obvious that in those best times, the mode of punishment now asserted to be illegal, was most frequently practised, and yet no doubts had then been raised as to its propriety and its legality. The learned solicitor then asserted that in the times of seven chief justices and twenty-two judges, he had not less than twenty-one cases in point to offer to the notice of their lordships. Beginning with lord chief justice Holt, he continued with other instances from lord chief justice Parker, lord chief justice Mansfield, lord chief justice Kenyon, &c. up to the present time, during all which course so many excellent constitutional puisne judges had also sat on the bench in that high criminal court; in all which cases judgment had been given and executed wrongfully and illegally, if the judgment in the present case were to be deemed illegal. He dwelt particularly on several individual cases, especially one in which a man was found guilty of perjury before a committee of the house of commons on the Hindon election, and was sent to Hindon to be set upon the pillory in that place, where his example was likely to produce the most beneficial effects; and another, in which for a crime committed in Wales, the convicted person suffered at Kennington, in Surrey. He mentioned another case of a distant crime, for which the execution took place at St. Thomas Watering, Kent, and an old instance of a man sent to Portsmouth to be executed for desertion or cowardice, because that was the place where the execution of that sentence would probably be most exemplary and beneficial. He recited all the cases mentioned on Tuesday by Mr. Attorney General, and contended for the strict applicability of the more recent instances. But it was not merely on the cases he had cited, but on the general principles of the question that it ought to be decided. The court of King's Bench was the chief criminal court in the kingdom. It was so described by all the ancient, as well as modern lawyers of repute. It was so called by Coke, who stated its antiquity and its power. It had a great part of the ancient *Justiciarum Angliæ*. Its jurisdiction was called *capitanus* and *generalis*, to shew its universality and general superintendence. Hawkins, in his Pleas of the Crown (one of the best writers and authorities) had fully stated its extensive powers. It could, he contended, be restricted by none of those restrictions which confined the powers of inferior county courts. And were the decisions of the judges of such a court to be treated like the practices of the office of a secretary of state, and such arguments supported merely by what lord Camden had said of the usage of such offices; usage that had never before been made the subject of a solemn decision in a court of law, or by any arguments against the exploded practice of the exploded court of Star Chamber? In the many recent instances of imprisonment in distant gaols, was it to be believed, that the poverty of the individuals was the reason that prevented them from trying the merits of the practice of the judges? Had they not always sufficient legal assistance? Was there not a learned lord then at that bar of which he was the great ornament, who had so often exerted the greatest elo-

quence the bar ever knew in defence of such individuals, and who left nothing undone that zeal and talents could effect? And would he have left a stone unturned on behalf of his clients, if he had conceived the possibility of attacking the legality of the sentences pronounced upon them? With respect to the demand of securities for good behaviour, the practice was old, and used in the best times. It was absurd to talk of its operating as a perpetual imprisonment. The prolongation of imprisonment would depend on the bad character of the individual, whose friends could not trust to his good behaviour, even after the experience that had been taught him by his confinement. As to the difficulty of understanding what was meant by good behaviour, he could not enter fully enough into the motives, views, and dispositions of certain persons to understand their difficulties on that subject. Good behaviour was what they might not easily understand, and cared little to learn. But they might easily enough learn it. There was a chapter in an elementary work, (sir William Blackstone's) that would explain to them what was necessary to know on that subject. All the instances he had noticed were viewed by the other side as too recent. They must go up to higher antiquity, they must mount up to the conquest or beyond that period. Every thing he and his learned friend had to offer was too young for the modern school, they would begin *ab ovo*. The learned gentleman must know that they could not investigate accurately the nature of the sentence. The whole object of this appeal was to depreciate the character of our courts. "Humanitas," for that was the name signed to a libellous letter in the "Independent Whig," had considered the popular notion concerning the administration of our laws by juries as too exalted. These lovers of freedom, in their new discoveries, attacked the institutions best calculated to preserve it. The object was only to raise a ferment in men's minds, to throw discredit upon the judges of the land, and to take from our wisest establishments that public respect in which they had been held, and which they so much deserved. But the decision of our chief courts of justice, and not the speech of a man to a mob in Palace-yard, would influence that decree which their lordships, he trusted, would then, in their wisdom, give. After a number of other remarks, the hon. gent. concluded.

Mr. *Clifford* began his reply by animadverting on the conduct of the Attorney and Solicitor General, in the bad motives they had presumed, so liberally but so unjustly, to impute to those who had advised, or were concerned in bringing before their lordships the present appeal. He solemnly denied that it was done with any intention to depreciate the character of the judges of the court of King's Bench, at which bar he himself practised, and where the present judges, he was sure, if they had done any thing in the exercise of their judicial functions which was founded on a mistake, would be quite as willing to rectify that mistake, on being shewn the error, as any that had preceded them on that bench. He was confident that so far from this measure being considered as bearing the character attributed to it, it must be seen as one which gave the best and fairest opportunity for bringing this great question to an issue, by appealing to their lordships *en dernier ressort*. Nothing more was attempted to be done but what the law of the land authorised, and what the cases of the individuals required. While he should forbear from following the Attorney-General and the Solicitor-General in the field of declamation and invective into which they had wandered, he must express in some degree, his gratitude to them for the greater part of the speeches they had delivered. They put him in mind of a fable which was lately quoted by a person of eminent abilities and character, in noticing the speech of a learned gentleman in some other place; it was the fable of the ass, who went into a field attracted by a thistle, but who went round and round about the thistle, fearful of touching it. The learned gentlemen, in like manner, went about and about it, but were extremely shy of touching on the principle of the question then before their lordships. He begged to re-state to their lordships, that the constitutional and legal principle he laid down with respect to the power of the court of King's Bench, was this: that they had no right to send persons into imprisonment, in execution of a sentence pronounced by that court, except to the jail of the county where the offence was committed, the jail of the county where that court sat, or their own jail. He maintained that no case had been cited to destroy the truth of his positions. The exceptions were not such as could furnish a rule.

Hardly a case could they bring to bear on the subject that had not occurred since the Revolution, and he contended that if it was not legal to do so previous to that event, that event could not possibly make it legal. He had been told to produce an enactment to make it illegal; but he asserted that the liberties of the subject depended not upon enactments. Enactments ought to be produced to him to shew him and their lordships that the practice had been rendered legal. This was the true principle of the constitution on such subjects. What he had said of the case of Bastwick had been observed upon with a triumphant sneer, as a foolish saying addressed to the people, who are styled by the learned gentleman the *mob*. But he had seen quoted the expression of an individual suffering a punishment as a precedent on a legal opinion. He had only quoted it as an illustration of what was the general feeling at that time, for it was scarcely in human nature that Bastwick should have used the expressions he did, had they been founded in falsehood, since his hearers must have very well known whether the practice was a new one or an old custom. Bastwick, in the spirit of those times, while he complained of the practice of sending persons to distant jails, attributed the origin of the practice to the Jesuits. As to the opinion of lord Clarendon, it should be recollected, that the fourth article of impeachment against that nobleman, stated this as one of his offences; and his lordship, long afterwards, in noticing this circumstance, states, that he thought it a hard case for him to be charged and tried for an offence which he had only been guilty of, in common with others of the privy council. This was that noble lord's excuse. Reverting to the case of the abolition of the Star Chamber, which was said by the learned gentlemen to have been occasioned by an objection to their proceedings, and not to their sentences, he shewed by a quotation from the parliamentary resolution, that the sentences, as well as the proceedings, formed the grounds of the abolition of that oppressive court. The authority he had quoted from lord Camden had been sneered at, the memory of that learned and venerable lord depreciated, and the hallowed precincts of the tomb violated by viperous slander. It was asked, What! would lord Camden have spoken of the decisions of the court of King's Bench, as he did of the usage of the Secretary of State's office? No! but the house of lords were then in the same situation relative to that court, as lord Camden, when a judge, was to the Secretary of State's office! With respect to the Hindon election, he stated a question that arose, respecting the payment of the expences, which the sheriff refused, and the court of King's Bench could not compel him to make them good. He wished the learned gentlemen to look into the general principles of our laws more accurately, they would see reasons for his view of the nature of county jails, and the authority of courts. These jails were the county jails; they were built, repaired, and maintained at their own expence. They were obliged to keep the prisoners, they were liable to fines for offences committed within their county limits, which it was presumed they ought to have prevented. All the jails were the king jails, it was perfectly true, and so were all the courts of justice, but yet this was so, for the purposes of public benefit and public protection, and was limited by a variety of restrictions, conditions, and limitations. All the high roads, in the same way, were the king's roads, (though much of these might be private property;) but they were the king's, for the convenience and protection of his subjects in passing from place to place. The cases of imprisonment or execution in the city of London, pursuant to sentences passed in Westminster, presented no difficulty, since in fact the sheriffs of London were sheriffs of Middlesex, and the prison of Newgate was the prison of both. The learned gentleman went through a wide field of argument and illustration in support of the principles which he had asserted. He shewed the hardships of the practice of requiring sureties for a length of time after the expiration of imprisonment. He quoted the declaration of the Bill of Rights against excessive bail, and unusual and cruel punishments, and concluded after a variety of other observations, a very argumentative and ingenious speech by protesting against the imputation of evil designs in this case, and deprecating such insinuations against the people of this country.

The Counsel having left the bar, the Lord Chancellor rose, and briefly stated that he had no doubt on his mind re-

specting this question. Important as it was, it was not attended with much difficulty. It was his intention to move a question to be put to the learned Judges upon the subject. His lordship then moved, That a question be referred to the Judges for their opinion, Whether the court of King's Bench could send any person convicted in their court at Westminster to any jail in England?

Earl *Stanhope* said, that having been unfortunately and unavoidably absent, and consequently not having heard the counsel who stated the case of the plaintiffs to the house, nor the answer of the Attorney-General, he should not give a vote on the present occasion; but still there was a certain principle to which the house should conform, and it should proceed with the utmost regularity and deliberation to the decision of the point at issue before them, and particularly as to the severity of the punishment. He had always understood that it was a fundamental principle of the law of England that the parties were precisely on a level, that the scales of justice should be kept even, and that no improper questioning or application of motives should be tolerated in the counsel on either side.—The learned counsel for the prosecution had not charged the counsel for the crown with any improper motives; but on the other hand he must say, that the counsel for the crown, one of whom he personally and highly respected, as a most diligent and able man in his profession, (Mr. Solicitor General,) had no right, at the bar of the house of lords, to impute improper motives to a counsel who came to perform his professional duty. The present was not a charge of cruelty, it was a charge of error! and, according to an act of parliament passed in the first year of William and Mary, the Bill of Rights—it was, at least, an erroneous judgment. The 10th article of that important statute says, that excessive bail shall not be required; nor excessive fines imposed, nor cruel and unusual punishments inflicted! And would the Solicitor General say, that a thing done contrary to the prescriptions of this statute was not error, at the least. He did not mean to argue or to give an opinion upon the particular case before the house, but he thought before it decided it should have been better informed as to the precedents referred to in support of the arguments advanced at the bar, and that the house ought to have laid before it an account of the different judgments which had been given, touching the case, down to a certain period. With respect to the nature of the security required in such a case as the present, he could not help contrasting it with that of the persons who were some time since convicted of attempting to blow up the King's Bench Prison, they were sentenced; as the present parties before them, to three years imprisonment. But what was the security required of them for their good behaviour after the expiration of their imprisonment—of persons convicted of an offence in which the commission of deliberate murder must be contemplated? None; not to the amount of one shilling! In a conviction of perjury, no later than November last; an offence so injurious to the well-being of the community, what was the sentence of the court? It was, that the offender be fined one shilling, imprisoned for three months, and farther until the said fine should be paid! Their lordships should bear in mind, in deciding on the case, that there was a scale of punishments, and take care, as far as in them lay, to render the punishment commensurate to the offence.

The *Lord Chancellor* observed that the crime, as it appeared on the face of the matter on which those two prisoners were convicted, was one of the most dangerous description. He referred to several instances of punishments early after the Revolution, for libels, and shewed that punishments in such cases of latter times were, comparatively speaking, far from being severe. His lordship, after some farther observation, amended the question to the following effect: "That it be referred to the judges to know their opinion whether the court of King's Bench, in the case of the conviction of a person at Westminster, could legally send such person to any prison in England, other than the prison belonging to the court, the county prison where the offence was committed, or that where the court held its sittings? And also to know whether sureties for a reasonable time, for the good behaviour of such person, could be legally required?"

On the question being handed to the Judges, their Opinion was delivered to the house by sir James Mansfield, lord chief justice of the Common Pleas. His lordship began by observing, that it was now fifty years since he had been made a

member of the profession of the law, and he had never during all that time doubted or heard a doubt started of the right of the court of King's Bench now called in question. Many cases had been cited which it was not his intention, or that of his brothers, to enter into. A sufficient number of instances both in ancient and in modern times, had been shown to prove the practice. The removal of persons from their friends by imprisonment was often unavoidable, and might occur in either of the cases specified. The judges had no doubt whatever upon the authority of the court to send persons to prisons in England, other than those specified in the question referred to them. As to the second point they were equally of opinion unanimously, that the court possessed authority legally to require such sureties for a reasonable time.

Lord *Erskine* could not act so unmanly a part as to avoid giving his opinion. He considered the appeal by writ of error as a grand proof of the excellence of our constitution, which in so many ways provided checks upon the constituted authorities of the land. The case of libel law had been brought as near perfection, as was perhaps, possible: though, in earlier life, he did not think that the practice of the courts was right and legal in some points, yet he lived to see it remedied. He could not pretend to enter into the merits of the particular case of punishment, as that was not before him, though he must say that it was a strange thing to be forward in condemning an acquitting jury. He had not been so long in the profession as the venerable judge who had just delivered the opinion of the Bench; but he had never entertained a doubt of the power of the court of King's Bench upon this point. Had he even done so, he should most certainly have availed himself of many opportunities in his professional practice, for the sake of those clients who had put themselves under his protection, to bring the question to a solemn discussion.

After a few words from the Lord Cancellor, his lordship put the question, and the Judgment of the Court of King's Bench was unanimously affirmed.

HOUSE OF COMMONS.

Thursday, May 18.

[MONUMENT TO CAPT. HARDINGE.] Mr. *R. Ward*, in rising to address the house on this subject, moved, that the entry on the Journals respecting a motion to the same effect as the present beread. (Here the Clerk read from the Journals an account of the debate which ensued upon the motion for erecting a monument to capt. Faulkner, of the Blanche frigate, who fell in action in the year 1795. Upon the ground of a claim from general services the motion was rejected; but upon being amended by stating his services as performed towards the islands of Martinique and Guadaloupe, it was agreed to). The hon. gent. said, that on this occasion he rose to move a great national honour to a great national hero. He trusted no one would impute to him any affectation of doing himself honour by coming forward as he did. With reluctance he undertook the task, and was only led to do so from the adventitious circumstances of situation. He felt it here necessary to call the attention of the house to the gallant services of capt. Hardinge. Though he was but a stripling in years, yet he was a veteran in achievements. His short career was marked by the most brilliant exploits, and in every service and upon every occasion he met with merited approbation from his commanders. He had served under that distinguished officer sir S. Smith, at the siege of Acre. He next served with capt. Miller, and was reserved by fate for more important services to his country at the time that brave officer was blown up in his vessel. The next situation in which capt. Hardinge would be found was the command of a gun-boat on the coast of Egypt, and here his peculiar merits acquired for him the reward of a gold medal. After this he was raised to the command of the Terror bomb, at the bombardment of Granville, on the coast of France. To his zeal and ability on this occasion sir J. Saumarez bore the most ample testimony in the report which he made of it. The vessel in which he served having been rendered unfit by the damages she received, capt. Hardinge was next promoted to the Scorpion sloop of war. In this vessel he acquired considerable fame by cutting out from a port on the coast of Holland the Atalanta gun-brig, a vessel of far superior force. This service was the more brilliant as it was performed by his boats only. And here it would be an act of injustice to pass over the merits of capt. Perry, who assisted in the enterprize, having put himself under the command of capt. Hardinge. The modesty of capt.

Hardinge, in his account of this transaction, did not form the least worthy trait in it. But his commanding officer (lord Keith) did not however overlook the service performed, because it was modestly represented, and accordingly it would be found that in his dispatch on that occasion he gave full scope to the dictates of his feeling, in the representation which he made of the service performed by captains Hardinge and Perry. There was another circumstance in this transaction which the hon. gent. could not help mentioning. It seems that the Dutch captain having defended with conduct and valour his vessel to the last extremity, refused every proffer of safety which was made to him, and died like a hero in the discharge of his duty. Such was the assimilation of feeling, that the gallant capt. Hardinge could never mention this occurrence without bursting into tears. The subsequent, and unfortunately for his country, the last service performed by this brave officer, was when in command of the San Fiorenzo frigate, he was placed under the orders of sir Edward Pellew in the Indian seas, for the protection of our commerce in that quarter. The enemy had employed in those seas for a long time, a class of frigates whose object was not so much directed to special hostile encounters with the same description of force, as to a general system of commercial depredation. Of these frigates there was one (La Piedmoutaise) mounting fifty guns, and furnished with a complement of French sailors and Lascars, not less than 500. She was in fact the terror of those seas. In the month of March, 1808, the good fortune of capt. Hardinge brought him near this vessel, in his ship of a far inferior force, mounting no more than 38 guns, and manned with no more than 150 men. The action which ensued was not one in which either victory or death was the consequence of a moment, for it lasted three days. On the first day, in consequence of her damages, the ship under capt. Hardinge's command was obliged to fall back in order to repair. The Frenchman did the same, and took that occasion to sheer off. On other minds this circumstance may have operated far differently than it did on the mind of capt. Hardinge. After having refitted, he proceeded not out of the enemy's course, but again came up with and engaged him. The result of this action deprived the service of a most gallant and distinguished officer. The hon. gent. could not here, he said, neglect to pay the deserved tribute to the exertions of lieut. Dawson, who seconded with vigour and effect the operations of his lamented officer. The hon. gent. felt that the address he was now making was directed to an assembly composed of those who were acquainted with the acts by which a gratitude for and admiration of such acts were to be created in posterity. They were men who knew how to appreciate the incentives to casting off a life of luxurious ease, and embracing the rugged duties of a life devoted to the service. It was well known also what feelings were entertained on this head at periods of the remotest antiquity.—After having read the account of this last gallant exploit performed by capt. Hardinge, as transmitted officially by sir Edward Pellew, the hon. gent. called the attention of the house to the request made by sir J. Mackenzie, a man, who well knew how to estimate true glory and great achievements; that the inhabitants of Bombay would erect a monument to the gallant capt. Hardinge. He also noticed the letter of gen. Maitland, governor of Ceylon, which spoke in the strongest commendatory terms of the services performed by the fallen hero. Those testimonials must be highly pleasing to the friends of capt. Hardinge. Admiral Tyler stated his ardent wish that a monument should be erected to the memory of this distinguished officer. A great and illustrious commander (earl St. Vincent), in his letter on this occasion, broke out into most rapturous expressions on the bravery and conduct of so young a man. The hon. gent. felt it necessary to state what he did, as some dissent to his proposition might arise. He trusted, however, that if any dissent did take place, it would be only created by an adherence to the cold forms of office. It would be seen that capt. Faulkner was rewarded for a single action. It was not his wish by extending the grant of honours by any means to cheapen them.—The hon. gent. concluded by moving, "That an humble Address be presented to his majesty, praying that he would be graciously pleased to direct that a monument be erected in the cathedral church of St. Paul, London, to the memory of capt. George Nicholas Hardinge, of the San Fiorenzo frigate, as a reward for the services performed by him in the course of a short but gallant life, and particularly for the protection he afforded to the Indian trade, in successive actions with a

vessel of superior force, in the month of March 1808; and his majesty's faithful Commons will make good the expences attendant on the same."

Mr. *Windham* felt himself under the necessity, however reluctantly, of opposing the motion; because, if once the principle were to grow into practice of voting a monument to every officer whose valour might lead to a loss of his life in actions with single ships or frigates, not only would the claims upon the country become innumerable (such was the prominent valour of our naval officers), but the thing from its frequency would cease to be, what it now was, an honourable distinction, the very rarity of which constituted its chief value. This was not the kind of case in which the country had been accustomed to vote monuments; it was not that great and signal victory of vast national importance, by which the gratitude and the enthusiasm of the country were wound up to such a pitch, as in fact to run before the house in the wish of distinguishing the memory of the deceased.

Lord *Castlereagh* said, that on occasions such as the present, it had been the invariable practice of parliament to vote its thanks to those who distinguished themselves in the service. There was a class of actions which he said was not at all inferior in importance to those of a general nature, he meant actions between individual vessels. There was no species of merit greater than that of individuals, on such occasions. In the present instance, death ensued to the individual, but it was death connected with victory, and met by the opposition of an inferior to a superior force. The principle of the present motion he should consider not only as fair, but extremely advantageous to the interests of the navy. Had it not been brought forward by his hon. friend, he would himself most eagerly have undertaken it.

Mr. *Wilberforce* concurred in the original motion, and thought the country had no ground for disagreeable sensations, in the apprehension of such a consequence as that predicted by the right hon. gent.; namely, that if we were to vote too frequently distinctions of this sort, we were in danger of being overwhelmed with monuments to the brave, whose valour would call for such honourable distinction in death. On the contrary, he feared we were rather too niggardly of our honourable distinctions to the army and navy, and he only regretted that the plan for establishing distinct orders of honour in the navy, which was arranged, digested, and every thing but adopted by his late right hon. friend (Mr. Pitt) previous to his death, was not now in operation.

Mr. *W. Adam* followed upon the same side, and said, that it had been admitted that since the year 1760, there had been but four instances of the same service. Had captain Hardinge survived that glorious victory, his majesty no doubt would have made him an object of the royal favour: as he had fallen, that house ought not to refuse him the only mark of public gratitude, that they now could confer upon his memory.

Mr. *Marryat* thought, that if they were to erect monuments to every heroic officer that fell in the service, they would have to raise buildings, in the first instance, to contain their monuments.

Mr. *C. Wynn* professed as high a sense of the merits of captain Hardinge, as any gentlemen who heard him; but he thought it necessary to draw some line of distinction. Captain Cook had got no monument; captain Farmer, who was blown up in his ship, the Quebec, disdaining to quit his post, though inevitable death was the result, had got no monument. He could not agree to this motion, though at the same time he did not wish to give it a direct negative. He should therefore move the previous question.

Mr. *Long* supported the original motion.

Mr. *Curwen* thought it would be cruel to stop the practice in this particular case. The respect of the country to their memories was the only reward which the brave men who fell in its defence could receive.

Mr. *W. Smith* did not conceive by the present vote, that the value of the honour would be at all diminished. He thought the monument ought to be voted, and that unanimously and honourably.

Admiral *Markham* bore his testimony to the particular merits of captain Hardinge.

After a few words from sir C. Pole, and Mr. Whitbread, the previous question was negatived without a division, and the vote for the monument was carried *nem. con.*

[DIVORCE BILLS.] Lord *Porchester* rose to move, that a committee be appointed to inspect the Journals of the house of lords as far as related to any Standing Order with respect to the introduction of Divorce Bills into the upper house. He commented at some length on the hard-

ship of prohibiting any Divorce Bill from being admitted into the house of lords, unless such bill contained a clause prohibiting the intermarriage of the criminal parties. This, the noble lord contended, was calling upon an individual to mix and confound his own particular interests with an alledged great public object; it was violating that just principle of regulation observed in the lower house, by which a certain time was appropriated to private business, and the rest to public. He thought, too, that it was a measure of unparalleled cruelty to some individuals, who would be thereby deprived of all hope, and abandoned to a life of despair, exclusion and penance, that the hardiest of their seducers would shrink from the bare contemplation of; besides that, there was in the nature of such an Order an unwarrantable interference with the privileges of that house. He concluded by moving, "That a Committee be appointed to inspect the Lords' Journals for any Standing Order adopted in the present session on the subject of Divorce Bills."

The *Chancellor of the Exchequer* could not follow the noble lord's argument to the conclusion which had been drawn from it. The alarm which the noble lord desired to excite on this subject appeared to him most unfounded. There could be no doubt that the lords had the power to introduce such a clause into a bill, without any Standing Order; and this house had nothing further to do with it than to canvass the propriety of the clause when it came up in any bill. The order, he said, did not provide that the bill should not go out of the house without such a clause; but went merely to regulate the mode in which Divorce Bills should be introduced. The lords had done nothing more than abridge their own privileges to a certain extent. Both houses were perfectly competent to regulate their own modes of proceeding. They had nothing to do with bills till they came before them. This was a regulation binding merely upon the lords themselves. He therefore objected to the motion.

Mr. *Ponsonby* thought the stile of argument of the right hon. gent. very extraordinary. He said that it was a regulation as to the introduction of bills; but the meaning was, that no bill should go out of the house of lords without such a clause. The object was, to compel this house either to do individual injustice by rejecting a bill, or to pass it with this clause. This, therefore, was an attempt to force legislation on the house of commons. It was a general measure of legislation; and an attempt to force this house to legislate according to the views of the house of lords. This was a most unconstitutional proceeding, highly derogatory to the other branches of parliament, and ought to be resented by this house.

Mr. *Windham* contended, that the motion ought to be adopted, in order to see what the exact nature of the order was. If it should be found that it had any effect on the privileges of this house, then this house would have to consider how it should defend itself. He argued strongly upon the unfairness of not being permitted to discuss any individual case, without being shackled by such a clause as this. No evil could arise from an inquiry into the nature of the case; and there was sufficient ground to authorize such an inquiry.

Mr. *Bathurst* said, that the house would have to discuss every bill on its own merits. If the clause in question should be rejected, then the lords themselves would have to consider whether they would sacrifice the principle or the views of the parties. The inconvenience rested with the lords themselves, and not with this house.

Mr. *C. Wynn* observed, that while this was confined to bills originating in the house of lords, he saw no objection to it. Both houses had a right to regulate its own proceedings. But these bills might originate in this house; and the words of the order were, that the lords would not entertain any bill without such a clause. It was possible, therefore, that they might apply to bills sent from this house. For this reason he would vote for the motion.

Sir *S. Romilly* contended, that the spirit of the order must be, that the lords would not in any way entertain a bill of Divorce without such a clause. To prove this, he quoted the rules with respect to Naturalization Bills. If it could be supposed that this was the meaning of the order, then it was a most serious measure, and ought to be examined. The difficulty on this house would be extreme, as they would be called upon in every particular case, to beware, because, if they rejected this clause the bill would be thrown out. He was surprised at the objection of his right hon. friend the Chancellor of the Exchequer. The object was to see what the order was. At present it appeared to be an attempt

by the house of lords to legislate on an important point, without the concurrence of the other branches. The house was highly obliged to the noble lord who was so careful of its privileges, when by the course of nature he had a prospect of spending so great a portion of his life in the other house.

Mr. *H. Smith* deprecated the injury to which individual parties might be subject by a difference of opinion between the two houses of parliament on an abstract question. With a view of giving an opportunity for an assimilation of their sentiments, he should vote for the motion of the noble lord.

Mr. *Hawkins Browne* observed, that although the lords, by their Standing Order, declared that they would not receive a Divorce Bill without a clause to prevent the guilty parties from intermarrying, they had not declared that they would not receive such a bill from the house of commons. It was fairly to be presumed that they meant to confine the influence of their Order to bills originating in their own house. Conceiving that the noble lord had not made out any breach of the privileges of the house, as having been attempted by the lords, he should give his negative to the motion.

Mr. *Barham* could not conceive that the lords would have been so foolish as to make a Standing Order without intending that it should have its effect. That purposed effect appeared to him evidently to be, that no Divorce Bill should pass them without such a clause as the one alluded to. If, however, their object were confined to prevent the introduction merely of a Divorce Bill, without the clause in question, still he conceived that the step taken by them was highly objectionable. Adverting to the principle of the standing order itself, he expressed his disapprobation of it, and his conviction that it would not contribute to the cause of morality.

After a short reply from lord Porchester, and a few words from Mr. G. Johnstone in favour of the motion, a division took place, For the motion - - - - 43
Against it - - - - - 67
Majority against the Committee—24

[BILL FOR PREVENTING SEDITIOUS MEETINGS.] The Attorney-General rose, in pursuance of his notice, to move for leave to bring in a bill to amend the Act of the 39th of Geo. 3, which respected Seditious and Treasonable Societies. His object would be to strike out of that act certain words which referred to the act of the 36th George 3, respecting houses where debating societies were held, on subjects therein specified, and where money was received at the doors without a licence; which houses were declared disorderly.

Mr. *Ponsonby* supposed that the hon. and learned gentleman would not have brought forward a proposition of this nature without having some good end in view; although he professed himself perfectly at a loss to comprehend his meaning, and requested he would have the goodness, for the benefit of himself and his friends near him, to be a little more explicit.

The *Attorney General* entered into a more detailed explanation of his object. By the act of the 36th of George 3, it had been enacted, that houses where debating societies were held on certain subjects therein described, and where money was received at the doors, should be licenced; and that those houses in which such debates were held, and where money was received at the doors, without a licence, should be punished as disorderly. By the act of 39 Geo. 3, it was enacted, that where debating societies of the description alluded to were held, and money received, and where the houses in which they were held had no licence, those houses should be deemed disorderly, "within the meaning of the 36th of George 3."—Now, if the 36th of George 3, had created the offence of disorderly houses, then the signification of those words would have been plain, and it would have only been necessary to refer to the 36th for a definition of the term; but that was not the case. The 39th of George 3, had full operation, as declaring what was disorderly, and what was punishable, although the 36th were out of the case. But as he understood that by the introduction of the words referring to the 36th, doubts had arisen with respect to the meaning of the 39th, his object was to repeat those words, and leave the 39th without them.

Mr. *Whitbread* would have an opportunity, on the second reading, of stating his opinion of the bill. At the same time he must observe, that he thought the honourable and learned gentleman must have some cases to state to the house as the ground of his motion, or he would not, after the lapse of ten years, touch so delicate a question. He did not mean to dissent from the motion for bringing in the bill; but he begged not to be understood as

precluded by that from opposing the measure in any future stage, if it should appear to him to be objectionable.—Leave was then given to bring in the bill.

[MR. CURWEN'S REFORM BILL.] Mr. Curwen moved the second reading of the Seats in Parliament Bill. The bill was then read a second time, and on the question that it be committed,

The *Chancellor of the Exchequer* stated, that he thought it right to take that opportunity of mentioning to the hon. gentleman, and to the house, the objections which pressed upon his mind as to this bill. He should not say that these objections might not be obviated; but he felt it desirable to state them in that instance, in order to give gentlemen an opportunity of turning them in their minds, with a view to obviate them if possible. His first objection applied to the manner in which the bill described the offence; his next objection was, to the manner in which the offence was to be punished; and his third objection was against the manner, in which by a precautionary provision, it was proposed to prevent the recurrence of the offence. If the bill were to pass in its then form, it would comprehend a variety both of acts and conduct, which he was persuaded had never been in contemplation of the honourable framer. It would apply not only to the sale of seats in that house, but to the sale of property or interests, which might give influence in the return of members to that house. If this bill were to pass, no burgage tenures could be sold, nor any property that would carry with it influence at an election, without incurring the penalties of the bill. This was an insurmountable objection to it in its present form. Besides, it would act prospectively and retrospectively, directly and indirectly, so that no man who had a vote at an election, could at any time receive a favour from a member. This was an operation of the bill, which he was convinced had never entered into the mind of the honourable gentleman. He had himself turned his thoughts to the bill, and discovered difficulties which could not be obviated without getting rid of several clauses which the honourable member wished to retain. It was not a satisfactory answer to say that a jury would not construe the act to extend to such cases as were not obviously intended to bias the particular election. The house should not leave that to a jury to decide, and besides it was highly objectionable to legislate penalty without a precise and definite exactment. With respect to the manner in which the punishment was to be regulated, he could not conceive, until the blanks should be filled up, how that was to be settled; whether the question was to be sent to the courts of law, without any limitation of time, and not referred to a committee of that house. But he doubted, whether that house would consent, under any circumstances, to commit questions of that description concerning the validity of seats within its walls, to the jurisdiction of the courts of common law. His next objection was to the oath. If an oath was to be introduced, it ought to be precise, so that what members were to swear should be clearly and distinctly known, and he was sure the house would not admit any other form into the bill. What would have been the situation of members under the treating act, if there had been such an oath as first proposed in this bill, when what one committee decided not to be an offence against the act, another committee declared to be an offence, so that if the oath were to have been imposed, the same act would in one case prove perjury, which in another would be wholly innocent. He had thought it incumbent upon him to state these objections to the house, not with any idea of giving opposition to the bill, but for the purpose of giving gentlemen an opportunity of obviating them if possible.

Mr. *Curwen* congratulated the house that the objections of the right hon. gent. were not to the principle of the bill. What the right hon. gent. said, had certainly considerable weight with him. It was never in his intention to destroy the right of disposing of burgage tenure, because that would lead to the destruction of the right to dispose of freeholds. But when the bill should come into the committee, he hoped that means would be devised to get rid of all the difficulties stated by the right hon. gent. As to the Oath, he thought it ought not to be imposed in the detail, if not in the wholesale. At all events, nothing could tend so much to set that house right with the public, as to shew that no persons could get improperly into it. If parliament did not reform itself, it would, according to the saying of a great man, be reformed with a vengeance from without. When abuses were proved to exist, it would add to the dissatisfaction of the people, if the necessary remedies should not be applied to correct them.

Mr. *Windham* thought, that his honourable friend, when his bill had been suffered to take its chance for a second reading, had no occasion to make the harangue he had delivered, or to utter the menaces against that house with which his speech concluded. He had himself determined to remain till the question of the second reading of this bill, though he was jealous of its progress. He would not admit that parliament had lost the confidence of the public, at least of the thinking part of the public; and he did not allow that the corruptions alluded to by his hon. friend existed, at any rate not in the sense in which his hon. friend said they did. He had risen only to protest against the harangue of his hon. friend, and to lay in his claim to an unfettered exercise of his judgment upon the merits of his bill.

Mr. *Bathurst* thought, that when the house had agreed to the second reading, it sanctioned the principle of the bill; and that they had a right to know from his right hon. friends, whether they thought the abuses proposed to be remedied by this bill were such as ought to be corrected. He considered the house as placed in a situation in which it had never been before. It was new to parliament to have the practices proposed to be corrected by this bill admitted within that house. This bill was not to interfere with the sale of property; neither would it touch, in the remotest degree, the question respecting a reform in the representation in that house. It was intended to correct an evil acknowledged to exist, and upon which the house had a right to expect an opinion from his majesty's ministers. As to the first objection of his right hon. friend, it might be got over by leaving out a few words. The other objections also, he was of opinion, might be got rid of in the committee.

Mr. *Dennis Browne* was of opinion that parliament had not lost the confidence of the public; and if it had, this bill was not calculated to retrieve it, for it had not met with the approbation of the Solon and Lycurgus of the Crown and Anchor.

Mr. *Curwen*, in explanation, stated, that he had not been present at the meeting at the Crown and Anchor.

Lord *Folkestone* did not think it necessary to argue with the right hon. gent. whether the house had or had not lost the confidence of the country. The right hon. gent. had not lately been found in attendance on the debates of the house, and probably from that circumstance, and from his having spent more of his time among the public, he esteemed himself better qualified to speak as to the degree of confidence the public reposed in that house. The right hon. gent. probably knew that the house, by the votes they had lately come to, had procured universal approbation and applause, and stood higher than it had ever done at any former period in the public estimation. His lordship doubted not the right hon. gent. had found all this to be the case, during the time he had been absent from the house. He (lord Folkestone) however would tell him what had passed here during the interval of his absence. A question had been brought forward, charging some of his majesty's ministers with bargaining for and selling Seats in that house; and so far from being denied, the offence was endeavoured to be palliated and extenuated. Farther, various members professed their belief of the existence of a train of abuses of the kind, and the investigation into them was not gone into, because it was even held out that all the public men in the house would be found to have been implicated. If the right hon. gent. had heard these things, and moreover had been informed, that they were as clear and notorious as the sun at noon day, the noble lord left it to him to say, if the present bill was the effect of popular clamour.

Mr. *Lockhart* should object to this measure if it were intended to stop here, and allow the rotten boroughs to be held by their present tenures. He had always been of opinion that a moderate reform was necessary.

Mr. *Ponsonby* understood the discussion of the principle of the bill to have been postponed till the question for the Speaker's leaving the chair. Many members, he was convinced, were now absent on that understanding.

The bill was then ordered to be committed for to-morrow.

[LOTTERIES.] Mr. Wharton brought up the Report of the Committee of Ways and Means of yesterday.

Mr. *Whitbread* restated his objections to Lotteries, and declared his determination to take the sense of the house on the Resolution on this subject. A Committee had been appointed to consider the subject, and after a laborious investigation their report had been unfavourable. There was an argument advanced on the other side, that such was the spirit of gambling existing in the country, that whether parliament

sanctioned it or not, it must produce the effect complained of. For his part, he thought that as far as this spirit of gambling was directed to Lotteries, parliament could easily devise a remedy, as they themselves were the cause of the mischief. It was the government themselves who encouraged the spirit of adventure in lotteries, which had produced all the evils stated in the Report of the Committee. Nothing could be more injurious in a country where habits of economy and sober industry were instilled into young people as the sure means of arriving at wealth, than to have in view a scheme where wealth was not to be earned by labour or industry; but to come merely from fortune. It must be evident to ministers that no real wealth was produced to the country by those adventurers in the Lottery. In a sober and religious view of the subject he thought it most improper that government should countenance the distribution of wealth in any other manner than as the reward of merit. The government not only held out encouragement to the idle to hope for wealth without labour, but also held out encouragement to part with all they had, with all that honestly or dishonestly they could appropriate, in order to be in fortune's way. The many evils that resulted from lotteries were sufficiently apparent, but the little good that was to be derived from them he should now take into his consideration. When it was proposed that 300,000*l.* should be raised in the way of lottery, it must be considered, that a million, or at least six hundred thousand pounds were actually taken out of the pockets of the public, and that in the most distressing way that was possible. In that point of view alone the tax would be inexpedient, if it were not productive of vice and immorality; but it would be observed that a very great degree of vice and immorality were always produced by the lottery, in the encouragement they gave to insurance, and other speculations contrary to law. This was a defect which Mr. Pitt was never able to remedy, and he could tell the right hon. the Chancellor of the Exchequer, that to his certain knowledge there were persons in this town who would outstrip him in calculations to evade the penalties of any legislative provisions he could propose. If the Chancellor of the Exchequer would but put off his lottery scheme for a single year, he would venture to say, that it would be easy to provide for any deficiency that might be occasioned by it. When it was recollected, that our whole expence was near seventy millions, it could not be supposed that a deficiency of 300,000*l.* could be seriously felt, or if it was felt, it could be easily supplied from some source that did not affect the morals of the country. There were now many widows and orphans who bewailed the ruin that was brought upon them by the lottery. Without expatiating on the quality of vice that was produced, on the number of servants and apprentices who were tempted to rob their masters, on the number of fathers of families who were induced to spend upon wild speculations the fund which ought to have provided for their children; he would say, that there was a sufficient quantity of vice and immorality proved to result from the lottery, that the right hon. gent. should decline to propose such a measure. There was a society existing for the Suppression of Vice, and he understood that one of the rules of this society was, that no man should be a suppressor of vice unless he was a member of the established church. This regulation would certainly be highly relished by the No-Popery gentlemen of the present administration; but if they were to set their faces against minor offences, and yet countenance the lottery, it would be like casting out seven devils from a man, when a legion of other devils were immediately to enter. He believed that there was no sin pointed at in the Decalogue which was not encouraged by the lottery. It was a speculation which always began in covetousness, and often led to theft. The instances were not new, where murders, and particularly self murder, had been instigated by losses in the lottery. A person had been introduced to him that was said to be perfectly acquainted with lotteries. The man, however, would not confess to him that he knew any thing about insurances, although those that were acquainted with him declared, that he had been three times ruined in the lottery. The lower class of the people were dreadfully deluded by such men as publicans and waiters in public houses, who were always ready to persuade the idle to adventure in the lottery. The profanation of the Sabbath, and many other evils much to be regretted, often proceeded from the same source. Besides these publicans and their waiters, there were dreamers of dreams and calculators of horoscopes, who also deluded the ignorant with respect to lotteries. The whole

gain that was stated as a balance for so much mischief, was the 300,000*l.* that was to be gained by the lottery. Now, he earnestly recommended that this sum should be left unprovided for until the end of the year, and if it were then found that there was a deficiency, other means could be taken to provide for it. There was no possibility of remedying the evils of lotteries. It might be said that insurances might be stopped by cunning informers, on the principle of "set a thief to catch a thief," but in the case of lotteries, this maxim did not hold, for from the highest to the lowest, all were concerned in the delusive scheme. If one walked in the public streets, we were sure to meet lottery-offices that called themselves peculiarly lucky, and enticed the ignorant to lay out their money with them. This, and all the other artifices by which the public were entrapped, appeared to him to be evils far beyond all the good that lotteries produced. He should therefore oppose this Resolution.

Sir *T. Turton* replied to the arguments of the last speaker. He did not conceive him warranted, on good grounds, to state that all the ills he detailed arose from the lottery. Neither was he right in stating the sum accruing to government, from the lottery, at 300,000*l.* as with the duties on stamps, &c. it amounted to 700,000*l.* All the evils mentioned were to be traced to insurances, and these the hon. gent. would find from his own authorities had been almost done away within the last few years.

Mr. *Windham* said he did not wish to detain the house by going into a detail of the measure, but he believed it to be a most scandalous and injurious way of raising money upon the public. That a lottery engendered vice no man could deny; the seductions were strong and numerous, and calculated to catch the lower orders of the people, whose minds were as weak as their passions were strong. A guinea for a shilling, and twenty thousand pounds for twenty were allurements they could not withstand. His feeling had ever been uniform on the subject, and he thought the evil so great that nothing but the necessities of the state could justify the resorting to lotteries. If it were at an earlier period of the practice, he should certainly vote against it, but as it was now become so interwoven with the system of finance, he saw no particular advantage in opposing it at present.

The *Chancellor of the Exchequer* defended the measure, and said the hon. gent. who opposed it (Mr. Whitbread) seemed to argue, that if this species of gambling was put an end to, it would stop all kind of vice. This was, however, straining the argument much further than it would bear. The circumstances of misery which had been alluded to, arose not out of lotteries, but from insurances, and could never be the effect even of insurance if the lottery were drawn in one day. That end he thought he could effect, and the course he proposed to follow was to confine the drawing to that period. The Little Goes were much more mischievous than the lottery, and if that was given up those would be greatly multiplied. He had considered the Report of the Committee with great attention, and he could by no means see the mischievous results which the hon. gent. who opposed the resolution seemed always to have in his view.

Mr. *Wilberforce* considered the Lottery peculiarly objectionable, because it diffused a spirit of gambling among the people, while it produced no benefit to the public treasury in any degree commensurate to the injury it inflicted upon the interest of the community, by the number of victims which it produced; by the crowds which it deprived of the means, and detached from the pursuit of industry. With regard to the argument that gambling would still go on, if this licensed course were put an end to, and therefore that it was better to continue the Lottery, and thus place the system under certain regulations, it appeared to be quite of the same nature, and equally fallacious with the reasons advanced to palliate the Slave Trade. For there it was urged, that if we discontinued the traffic, that it would be prosecuted by others without the mitigation of our regulated system. But such pretences could never reconcile his mind to the existence of a law for the toleration of that which was obviously wrong.

Sir *S. Romilly* would not have obtruded himself on their notice at that late hour, had he not thought the arguments of his right hon. friend opposite, sophisticated and fallacious. The right hon. gent. had stated, that if Lotteries were abolished, Little Goes would still exist, and cause all those evils to fall on the lower orders, which were deplored as resulting from State Lotteries. Had not public Lotteries been countenanced, Little Ones would never have been so general. The latter, however, were only sought after by per-

sons who had imbibed an itch for gaming. They did publicly hold out a temptation to seduce the honest and industrious from the paths of rectitude and sobriety, as is common with every State Lottery.

Mr. *Babington* made a few remarks on the bad effects of Lotteries.—After which the house divided, when the numbers appeared,

For Lotteries - - - - - - -	90
Against them - - - - - - -	36
Majority in favour of Lotteries	54

HOUSE OF COMMONS.

Friday, May 19.

[Irish Tithes.] Mr. *Parnell* rose to make his promised motion on the subject of Tithes in Ireland. He desired that the petitions from the Queen's county and the county of Kerry might be read; he then read the resolutions of the counties of Tipperary, Clare, Wicklow, and Armagh, the purport of which went to point out the policy of a Commutation of Tithes, and addressed the Chair nearly as follows: I have thought it right, Mr. Speaker, to put the house in possession of the information contained in these petitions and resolutions, in order that it might be known to the house, that the motion which I shall have the honour to submit to it, is not one that arises from the wish of an individual to agitate this most important subject, but that it is one which has been called for by the public voice of a large portion of the people of Ireland. The six counties which have thus delivered an opinion upon the subject, being each of them of very considerable extent, and, as far as I am able to form an opinion, the faithful organ of the universal opinion of the people of Ireland.—I have no hesitation in saying, that it is the universal wish of the people of Ireland, that an alteration should take place in the mode by which the clergy of the established church are now paid, and amongst the people of Ireland I will go so far as to include the clergy themselves, because I know from an extensive personal acquaintance with that body, and from the grievances that they sustain under the existing system, that it is their wish, as well as their interest, that an alteration should take place. Before, Sir, I enter upon an explanation of the motion which I shall submit to the house, I wish to make a few prefatory observations. I am particularly desirous to be understood as not attributing to the conduct of the clergy, the grievances which the people of Ireland sustain on account of Tithes; for, though particular instances of oppression have occurred, I think there is no ground for bringing a general charge of oppression against that body. On the contrary, I believe they do not levy any thing like a full tenth of the produce of the land. There are no small Tithes in Ireland, a modus having been established against them. There are no Tithes on cattle; for neither potatoes or flax in the north of Ireland are Tithes paid. The Tithe on hay in Connaught is 6*d.* only on any quantity; and throughout the country in general, the following statement will apply: an acre of wheat producing an average crop of 8 barrels, at an average price of 30*s.* would give a Tithe of 1-10th of the produce of 24*s.*; whereas the usual rate of charge is 12*s.*: an acre of barley producing an average crop of 13 barrels, at an average price of 13*s.*, would give a Tithe of 19*s.* 6*d.*; whereas the usual rate of charge is 9*s.* 8*d.*: an acre of oats, producing an average crop of 12 barrels, at an average price of 14*s.* would give a Tithe of 16*s.*; whereas the usual charge is 7*s.*: an acre of meadow producing an average crop of $2\frac{1}{2}$ tons, at an average price of 50*s.*, would give a Tithe of 12*s.* 6*d.*; whereas the usual charge is 6*s.*: and an acre of potatoes producing an average crop of 70 barrels, at an average price of 4*s.*, would give a Tithe of 28*s.*; whereas the usual charge is 8*s.* For these reasons, therefore, I do not conceive that any blame attaches to the clergy, as a body, for exorbitant exaction of Tithes. I also wish it to be understood by the house, that the wish that has been expressed in Ireland of an alteration in the system of Tithe, has not been the result of any party measures; that this side of the house has had nothing to say to it; and further, that it does not come particularly from the catholics of Ireland, but if from one body of men more than another, from those professing the established religion. Having said thus much, Sir, respecting the origin of these petitions and resolutions, I must now beg leave to recal to the memory of the house what took place respecting them in the last session. Conceiving that it would be most to the public advantage if his majesty's ministers would take this business into their own hands, I waited upon the Chancellor of the Exchequer in order to propose to him this mode of proceed-

ing. He, I am bound to say, communicated his sentiments to me upon the subject, in the most candid and explicit manner, and informed me, as afterwards he also informed the house, that the subject had been under the consideration of his majesty's ministers; that it would so continue to be, and that he hoped to be able in this session to bring forward a measure to afford relief to the people of Ireland. The measure of which he gave me an outline was that of enabling incumbents to make leases to their parishioners of their Tithes for 21 years. It appears, however, by an answer given to me early this session by the right hon. gent. to a question which I put to him on the subject, that he is not now prepared to bring forward this measure. The business has, therefore, reverted to my hands, and under these circumstances, it has been for me to decide what course to pursue. If I proposed to the house, to refer the petitions on the table to a committee of the whole house, which I believe is the customary way of proceeding, no other advantage could have been derived from it than that of the discussion of the general subject, because I am sure there was no ground to calculate upon the consent of the right hon. gent., or of a majority of this house to such a step; and without it, no measure could have been the effect of the motion. If, however, I propose, as I intend to do, to move for leave to bring in a bill to enable incumbents to make leases for 21 years, I obtain the benefit of a general discussion of the subject of Tithes, and, at the same time, I propose a step to which I have good ground to expect the support of the right hon. gent., and therefore I propose to the house what probably may lead to an effectual issue. But even if the right hon. gent. should not continue to be of the same opinion now as he was last year, as to the policy and practicability of this measure, I shall not accuse him of inconsistency, because that certainly was a qualified opinion; but I am able to say that I am free from blame for bringing forward a measure without having good authority for my proceeding, and also to say, that the cause of those who are advocates for an alteration in the system of Tithes, have gained much ground by the sanction of the right hon. gent.'s admission, that an alteration might be made, to the extent which I propose, without danger to the church.—I am relieved from the necessity of anticipating and answering all that I should have had to anticipate and answer, if I had not the protecting shield of the right hon. gent. to cover me, about the doctrine of divine right, and the danger of innovation. I need not fear the clamour of certain gentlemen about our present happy and enviable condition, nor need I apprehend that my motion will call for a declaration of the necessity of making a similar *stand* for the purity of the church to that which to some it appeared to be wise to make for the purity of the state. I have, in fact, nothing to do but to state, as briefly as I am able, such measures as induce me to think that the house ought to support the motion which I shall have the honour to submit to it. In the first place, if a power should be given to incumbents to make leases of their Tithes for 21 years, some of those objections which are made to the present system of tithes, in consequence of its being detrimental to the agriculture of the country will be done away; for when a farmer shall have made his bargain with the clergyman of his parish, he will be able to carry on his improvements without that great drawback on his profits, which is the consequence of the clergyman's right to a tenth of the gross produce of his land. Upon this head, the following are the opinions of two very great authorities, Dr. Adam Smith and Dr. Paley.—Dr. Smith says, "The tithe as it is frequently a very unequal tax upon rent, so it is always a discouragement both to the improvements of the landlord, and to the cultivation of the farmer. The one cannot venture to make the most important, which are generally the most expensive improvements; nor the other to raise the most valuable, which are generally the most expensive crops, when the church, which lays out no part of the expence, is to share so very largely in the profit."—Dr. Paley says, "But of all institutions, which are in this way adverse to cultivation and improvement, none is so noxious as that of tithes. Tithes are a tax not only upon industry, but upon that industry which feeds mankind; upon that species of exertion which it is the aim of all wise laws to cherish and promote; and to uphold and excite which, composes the main benefit that the community receives from the whole system of trade and the success of commerce."—He further adds: "No measure of such extensive concern appears to me so practicable, nor any single alteration so beneficial, as the conversion of tithes into corn rents."—Besides these authorities, there is a state-

ment of the practical bad effects of tithes, in Mr. Thompson's Annals of Agriculture, which will throw considerable light upon the subject. He says, "There are 200,000 acres of land in Herefordshire, which might be brought into a proper state of cultivation, by an annual expence of 10*s.* per acre. This additional expence would pay the farmer 10 per cent. profit, and bring into the market 110,000*l.* besides employing 5,000 labourers; but the tithe owners would take 11,000*l.* out of the increased produce, and therefore the farmers would lose all their profit, and 1 per cent. on their capital." But, Sir, if there are these general objections to tithes, on account of their injury to agriculture, the house should consider how much more injurious they must be in a country like Ireland, where much improvement is wanting, for in such a country, the whole improved value of the land depends upon personal labour, skill and industry, and the advance and risk of private property; whereas in England, where lands have been regularly and well cultivated for a great length of time, there is no very great hardship in occupiers paying tithes; and for this reason in particular it is very desirable, that such a measure as I now propose should be adopted. Such a measure will also contribute to remove some of the objections which are commonly urged against tithes, as a way of levying money from the people. According to the present system, the sum which each person is bound to pay is not certain, but arbitrary: the time of payment, the manner of payment, the quantity to be paid, are none of them clear or plain to the contributor, or to any other person; whereas it is an established maxim of taxation, that the tax which each individual is bound to pay ought to be certain, and not arbitrary; and the time of payment, the manner of payment, the quantity to be paid, ought all to be clear and plain to the contributor, and to every other person.—"Where it is otherwise, (Dr. Smith very truly observes,) every person subject to the tax is put more or less in the power of the tax-gatherer, who can either aggravate the tax upon any obnoxious contributor, or extort, by the terror of such aggravation, some present or perquisite to himself. The uncertainty of taxation encourages the insolence and favours the corruption of an order of men who are naturally unpopular, even where they are neither insolent or corrupt. The certainty of what each individual ought to pay is, in taxation, a matter of so great importance, that a very considerable degree of inequality, it appears, I believe, from the experience of all nations, is not near so great an evil, as a very small degree of uncertainty." Now, Sir, if the parishioner shall be able to make a contract with his clergyman for his tithes for a certain number of years, at a certain fixed annual sum, tithes, instead of being a tax subject to all these objections, will be one subject to none of them, and therefore the bill giving such a power will greatly contribute to amend the present system of tithes.—In the next place, as the occupier of land in Ireland suffers principally under the present system, from the manner in which the collection of tithes takes place, this measure will be productive of very beneficial consequences, inasmuch as it will contribute to alter this mode of collection. But, before I proceed to shew in what degree the people of Ireland are now aggrieved by this mode of collecting of tithes, it is necessary for me to state to the house, that the mass of the people of Ireland are circumstanced in respect to tithes differently from the people of any other country. The wealth of Ireland has not yet made that progress as to produce that first symptom of extensive improvement in a country, the division of labour to such a degree of perfection as to establish a distinct class of people, who live by the wages of their daily labour, and provide their subsistence by expending their wages in purchasing of it. The consequence is, that every poor Irishman is under the necessity of obtaining a piece of land, from which he may procure the means of feeding himself and his family. In Ireland, therefore, the whole mass of the common people are landholders, and accordingly chargeable with tithes. From this state of things two consequences flow, which give rise to all the grievances which belong to the collection of them. The first, that if the clergyman being unable in his own person to collect his own tithes, and, therefore being obliged to employ Proctors, or to let them to Tithe Farmers. The second, the impossibility of the lower orders to protect themselves against the illegal exactions of the proctors or farmers, in consequence of their poverty disabling them from procuring legal redress in a court of law against such illegal exactions. —And it is also in consequence of this state of things, that the people of Ireland, in respect to tithes, are in a condition

quite different from that of the people of England in respect of their tithes. No man in England is liable to be called upon to pay them who is not to a certain degree a person of property; if he is not, the improved condition of society in this country would deter a proctor from treating him cruelly, and even if he was so treated, he would easily find means of obtaining redress—in fact he would obtain it by compelling the clergyman to draw his tithe. But in Ireland this privilege of obliging the clergyman to draw his tithe is virtually taken away from the parishioner; for though he may have the right to do so by law, he is made liable by a modern law to an action for conspiring against the clergyman, if there should be the least appearance among the parishioners of any attempt to annoy the clergyman by calling upon him to take his tithe in kind; and so completely has this law taken away this remedy from the parishioner, that the practice of taking tithe in kind is now seldom heard of. The usual mode of proceeding is this; the proctor, with an assistant, views the crops in July, and again before or after they are saved. He notes the crop and value in his field-book. He generally estimates by the acre, but sometimes by the barrel; he usually at the second view makes a bargain for the tithe with the occupier on the spot; reducing the charge to a certain degree, and the farmer passes his note for it. If no bargain is made the proctor makes a return to the clergyman agreeable to the field-book. The payments are generally tardy, the tithe is not paid frequently for near a year and a half. Debtors for 40*s.* are summoned before two magistrates, who hear the proctor's proofs, and give a decree accordingly. Debtors above that sum and under 10*l.* are processed before the Quarter sessions. For sums above 10*l.* citations are served to appear before the Bishop's Court. If the proctor chooses to oppress a poor man, he may cite for a few shillings. There are no acts of the proctor deemed illegal in the ecclesiastical courts. He is the favoured person who replenishes their coffers. The only remedy which landholders have against any new and extraordinary demands of the clergy or tithefarmers is faction and intimidation, and slight: and as the land-holder has no legal remedy against exactions of the proctors and by the farmers, the mass of the people are positive slaves to them, they have it in their power always to ruin a poor man, first by giving him long credit and then by suing him for interest, costs and tithes in the Bishop's Court. The consequence is, that the proctor, and the proctor's family and friends rule with despotic sway in the parish. In corroboration of this statement, I will read, Sir, a short extract from the speech of Mr. Lidwell, at the Meeting of the County of Tipperary. "The power of the proctor over their little properties is nearly despotic. Do you find any fault (he says to the parishioner) with my valuation of your crops; you shall smart for it, if you do—I will have you instantly served with a citation or process; I will harrass you by litigation; I will ruin you by costs of proceedings; I will take you from your business and employment; I will hold you up to the gentlemen of the county as a disloyal man, who refuse to pay your tithes, and raising an outcry against the church establishment."—Such a bill as would enable the clergyman and his parishioner to make a bargain for a fixed term of years, at a fixed annual rent, would relieve the clergyman from the necessity of employing a proctor to value or draw his tithe, and enable him to collect the sum stipulated to be paid in lieu of it himself; it would do away altogether the existence of that still more odious character the tithe-farmer; and it would relieve the parishioner from the tyranny and exaction of those most obnoxious instruments of the church.—I will add, Sir, only one more proof of the mischievous and fatal consequences which flow from the present mode of collecting tithes in Ireland, and which arises from a circumstance which took place so late as in the month of last February, in the county of Kerry. In consequence of the disturbed state of that county, great exertions were made by the gentlemen and particularly by the Catholic clergymen, to persuade the people to return to a state of tranquillity. These exertions proved successful, and at a place appointed multitudes attended, gave up their arms, and took the oath of allegiance. They declared, however, on their oaths, that the great suffering which goaded them to madness, sprung from proctorship, or the manner of collecting tithes. Of the cess itself, unconnected with clerical agents, they did not complain; on the contrary, they distinctly declared, they felt no evil whatever when dealing solely and immediately with the clergy-

man.—Now, Sir, I conceive it impossible for the house, after having heard these statements, to hesitate about the expediency of adopting some measure to reform the abuses belonging to the present system of collecting tithes in Ireland.—But, Sir, though I think these are circumstances which ought to obtain for my motion the support of the house, I am free to confess that the point of view in which I am principally induced to consider the bill which I propose to introduce as a good measure, is, that of its being a measure which will very much facilitate the carrying into effect at some future day some plan for an entire commutation of Tithes, and I beg the house will clearly understand that I propose the limited measure of granting leases for Tithes, only because I see no chance now of carrying such a plan into effect, and by no means because I think that such a plan ought not now to be adopted. This in truth, sir, is the measure which the people of Ireland desire, and this is the measure which his majesty's ministers would themselves adopt, if they could fully comprehend all the evils which flow from tithes, as affecting the public peace and security: and if they could justly appreciate all the beneficial effects which would attend a full concession to the feeling of the people of Ireland upon this subject. As a mode of levying from the people a pecuniary remuneration of the clergy, they are most objectionable; they are a tax upon the produce of land, and not upon the surplus of the produce which is left after defraying the expences of cultivation, which last is the only fund that ought to be taxed. They are a tax also completely at variance with the maxim, that each person ought to contribute as nearly as possible in proportion to his ability.—But, Sir, if Tithes are objectionable as contrary to the true principles of taxation, and as obstacles in the way of agricultural improvement, how much more objectionable are they when viewed with reference to their effects upon religion. They are the source of perpetual strife and ill will, and the cause of inveterate and incurable disagreements between the clergymen and his parishioners; and by being so, they materially affect his ecclesiastical character, and tend to defeat the sole object of ecclesiastical persons. They are a powerful cause of many quitting the church, and creating new sectaries, and are unquestionably one great source of the decrease of religion and morals. But, Sir, if there are these objections to Tithes generally in whatever country they exist, how aggrieved must the people of Ireland be by them, when of the whole people 1-10th belong to the established church? I have the authority of the most recent enquiries into the population of Ireland to take it at five millions, and that the Catholics are to the Protestants as 4 to 1. And I can quote the authority of Dr. Woodward, late bishop of Cloyne, to shew, that of the Protestants, one half are Dissenters from the established church. I feel that it is not necessary to add one word more to prove how repugnant Tithes must be to the people of Ireland.—And now, Sir, after what I have said of the poverty of those who have to pay Tithes in Ireland; of the manner in which they are collected, and of the people not belonging to the church for whose support Tithes have been established, is it wonderful that a succession of outrage and insurrection should have disgraced the page of Irish history? And here, Sir, I must take the liberty of saying, that it is not to the people that the blame of these insurrections attaches, but to the law which has established the system of Tithes, and heaped regulation upon regulation to compel the payment of them. I cannot refer to more decisive proof of the influence which Tithes have always had in leading people into a resistance to the laws, than to the evidence of Dr. M'Nevin, one of the principal leaders in the rebellion of 1798:

'*Speaker.* Do you remember Mr. Grattan's motion about Tithes; was not that a 'short cut towards putting down the established church? *M'Nevin.* If the stability 'of the established church depends on the 'payment of Tithes, the church stands on 'a weaker foundation than in civility I 'would have said of it; but sure I am, 'Sir, that if Tithes had been commuted 'according to Mr. Grattan's plan, a very 'powerful engine would have been taken 'out of our hands.'

I have now, Sir, only to add one more argument in favour of the claims of the people of Ireland for redress of the grievances of Tithes. Mr. Pitt, Sir, when he proposed to the people of Ireland the measure of Union, in a speech which was circulated at the expence of government, did hold out to them that some mode should be adopted for relieving the lower orders from the pressure of Tithes, which, according to his expressions, "operate as against practical evil."

This offer on his part was considered by the people of Ireland as a part of the Union compact; for though not made an article of the Union, under the circumstances in which Mr. Pitt stood as minister of this country, and particularly under the circumstances of the publication of his speech by the Irish government, no other construction can in justice be given to the transaction, than that it amounted to a promise to the people of Ireland, and which promise the people of this country have yet to redeem.

Before I sit down, Sir, I must request that his majesty's ministers will seriously contemplate upon the consequences of refusing to grant redress of the grievances of Tithes, and that they will calculate upon the evils which under the present circumstances of the continent, may flow from such a refusal. If they will listen to the voice of the people of Ireland, and do that which will conciliate their feeling towards them, no danger need be apprehended of conquest by a foreign power; but if they do not conciliate them, then they will place the empire under circumstances of risk and danger, to which it ought not to be exposed, and they will be responsible even for the existence of the empire. I hope, Sir, that these observations will produce their due effect; and I shall conclude with moving, "That leave be given to bring in a bill to enable ecclesiastical persons, having a right to Tithes in Ireland, to demise the same for a term of twenty-one years."

The *Chancellor of the Exchequer*, in rising to give his most decided opposition to the measure now proposed, felt himself also bound to state his reasons for that opposition, and though he owned he had felt himself in some degree waver in his opinions, in the course of the conversation he had with the hon. gent. on the subject, yet, upon the most mature consideration he could give it, he was now already of opinion, that nothing radically beneficial could be effected. He had even so strong a wish on the occasion as to go the length of preparing a bill for the purpose, although the hon. gent., in all he had said, had not stated how his plan was to be carried into excution. In the course however of his investigation, he had found such difficulties in his way, so various and so multiplied, as obliged him to abandon his intentions, as altogether impracticable. He wished to look at it as a measure likely to calm the disquietudes that existed; and now he felt bound to object to the measure proposed, as seeming likely to excite an expectation of something more to follow on the back of it, and thus effecting the very mischief intended to be allayed by it. The last argument used by the hon. gent. was that nine-tenths of the people of Ireland were not protestants: this shewed that some great diversion of Tithes from the present system was intended, and therefore he conceived they were called on to pause before they proceeded, without accurately knowing how far they might be called on to proceed. They should be guarded in their expression of the existence of evil; the hon. gent. had said the people of Ireland were anxious for a commutation of tithes; is there any plan for that purpose? had the hon. gent. digested any such? had he formed any system of substitution? For his part, he believed that in the event of any such being adopted, and if the consequence was found to be that they paid more than they do at present, the people of Ireland would not be very much in love with the alteration; and yet such he firmly believed would be the probable case in such an event, inasmuch as he was satisfied, that on the whole the tithes did not, according to their present mode of collection, produce 50 percent. of their real value. Besides, what must they do in proceeding to carry the proposed measure into effect? They must in the first instance institute a commission for the purpose of ascertaining what was the real value of tithes, in order to know what was the commutation at which it was to be fixed; and did gentlemen suppose, that any plan, founded on such principles, could afford ease to the people? He thought the very reverse would turn out to be the case, and tend rather to produce than allay the discontent so much complained of.—How then could it be said that the people were in favour of an abolition of tithes? It might be true they were so now; but would they be so if they found they were to pay so much more than they do at present, upon a commutation founded upon a fair and full estimate of the value of their tithes? The landlords might indeed be favourable to the measure, as the surplus beyond the present rate would probably find its way into their pockets. But, after all, where was the hardship to be found in the payment of tithes?—What owner of land could say he was entitled to lands, either by purchase or descent, which he

did not hold among other terms subject to the payment of tithes? if, then, he had no right to complain, still less had the tenant who took them, knowing they were subject to the incumbrance. He particularly felt himself bound to oppose the present motion, as the hon. gent. had expressly stated that the present was to be considered as a step merely leading to other innovations, which he could not approve. He had watched the hon. gent. through the whole of his speech, and he could not find out any specific plan which he meant to propose. Was it intended by his bill to enable the clergy to make leases of their tithes, or was it intended to go further, and compel them to do so? If the former of these was intended, the act might become a mere dead letter. By the law, as it now stood, the clergyman could grant a lease of his tithes during his own incumbency; and if he did not feel any inclination to adopt such a measure, as things now stood, it was not to be expected he would be more likely to do so after passing the act. With respect to the power proposed of binding the successor, the evil was obvious in the danger of the incumbent being induced by the temptation of a present fine to make a lease, which would be highly prejudicial to the interests of those who were to come after him, or else to submit such leases to the approbation of the bishop. This would be found to be a duty impossible to be discharged conscientiously, besides being attended with considerable expence to poor tenants for the making out their leases; and even if they were willing to be at the expence, would be found to be a mere matter of form, from the impossibility of the bishop being acquainted with the merits of each particular case. These were among the difficulties which, in his attempt to frame a measure likely to be efficient, he had found so strong as to induce him to abandon all hope of being able to remove them. There were, besides these, other difficulties in the way. To whom were the leases to be made, to the tenant or to the landlord? If to the latter, the tenant would surely not be benefited by the measure, but rather to the contrary, as in that case the landlord would put in his pocket that which now, by the lax mode of levying tithes, fell to the share of the tenant. Besides, he considered, that if the system were proper to be adopted at all, it should not be partial or confined to one part of the empire, but rather be universal in its operation, and as such he had intended it in case he had found it practicable. He trusted he had shewn to the satisfaction of the house, that it was upon sufficient reasons, and not caprice, he had altered his opinion on the subject; and he thought it better at once to negative the proposition, than to hold out a false hope, where no possible benefit could be expected to follow from it. In regard to the pledge stated to have been made, relative to the commutation of tithes, as an event to take place consequential to the Act of Union, he could only say he had never heard of such a thing before; but be that as it may, who ever heard of such a pledge as binding between two countries, instead rather of looking to the articles themselves of that union, in order to judge of their infraction or preservation?

Mr. *Tighe.* Sir, as I intend to support the motion of my hon. friend, because I conceive it might be of some service in doing away part of the evil, which results from the mode of collection according to the present system, yet I can not support it without declaring that I consider it totally inadequate to give that relief which I should wish to give to the people of Ireland, and consequently that it will be unsatisfactory to that nation. And moreover, this discussion must be attended with something more than disappointment to the people, when they know that the Chancellor of the Exchequer having, as he says, long contemplated a similar measure, and even prepared a bill for the purpose, was induced by what he calls an infinity of difficulties, to abandon even his inadequate modifications. And having contemplated in his mind what was little more than futile, to have ended his purposes in nullity. For I agree with my hon. friend that nothing but a general measure can be satisfactory to the people: a measure of complete commutation or abolition. And as the right hon. gent. intended the bill which he contemplated as a bar to future relief, so I may doubt that, even if the present motion were passed, it might not be considered rather as an impediment than as an assistance to the speedy accomplishment of a general and perfect relief from the system of tithes. At any rate it would be only a slight palliative to an inveterate disorder.—Nor can I ever agree to consider the declarations of the British ministers at the time of the Union as less than pledges on the part of Britain. So were they held out to the Irish nation, and so

were they always received in that country. And the declarations of Mr. Pitt made in this house on the part of government, and uncontradicted, were even stronger than what were stated by my hon. friend. In those declarations, and in the pamphlets dispersed in Ireland by the government previous to the Union, under the name of Speeches of Mr. Pitt, that minister was made to declare, not only that "some mode ought speedily to be adopted for relieving the lower orders from the pressure of tithes," which he described as "productive of great practical evil," in that country, but he made it precede the other promises he held out to the Irish nation, and which he combined with it for the purpose of deluding that nation, namely, of giving a fair consideration to claims of the Catholics, which never has yet been given, and of providing an adequate maintenance for their clergy, which has never yet been provided. But moreover, sir, Mr. Pitt declared, that "these were the grounds on which he ventured to propose a legislative Union." Observe, sir, they were the grounds on which he ventured to propose that measure. Did Mr. Pitt, then, mean to build the Union, with those base materials which he used, and then to take away the grounds and foundations on which he professed to rear that ill-compacted fabric? Or did Mr. Pitt mean only to deceive the Irish nation? Which opinion will his imitators and successors attribute to him? or which line do they intend to adopt? If Mr. Pitt spoke with sincerity, then the most omnipotent minister of England would not venture to support an Union, unless these measures were subsequently to be adopted: the first of which was the relief of the lower orders from the pressure of tithes. Mr. Pitt himself would not even venture to propose it!—that is to say in other words, that the most confident minister of England thought the attempt would be dangerous to the connection of the two countries, instead of useless, unless it was cemented by those measures of which he artfully held out the prospect.—But, sir, what power, what ability, what strength have the present discordant members of the cabinet, so superior to Mr. Pitt, that they indeed can engage to satisfy the people of Ireland, and to retain that country for Britain, upon grounds he did not venture to adopt? pocketing the independence of Ireland, and withholding the price; as soon as their draft was honoured, denying the debt.—But then we are to-night informed that his majesty's Chancellor of the Exchequer has year after year been contemplating upon some measure for a modification of tithes; but that year after year the Chancellor of the Exchequer has been so bewildered in his contemplations, that he has been forced to abandon them altogether; and after all his contemplations he has not been able to bring forth one single simple proposition on the subject, nor produce one atom of information. Now, sir, is this the way in which an injured and dissatisfied country is to be amused? is it the respectful mode of treating the claims, the interests, the expectations of a populous nation? a nation whose destiny hangs over your political horizon now, like a dark and silent cloud. Is it the way to fulfil the promise held out at the Union? or is this a period to hesitate at any attempt of acknowledged amelioration? to delay inevitable reform? to stand like a puny child on the margin of the sea, fearful to wet its feet, though conscious that it soon must plunge in? Is it a time to neglect the interests of a proud, injured and brave people, when every passing moment is fraught with change? when the scenes of the European drama are shifting with such great rapidity, that the actors themselves are unprepared for their exits and their entries?—I stand, sir, in the same predicament as several other Irish representatives, that of having been instructed by my constituents to support in parliament, not any particular or specific mode of relief, but to support any modification whatever which may be proposed with regard to tithes; and, for that reason, I shall vote for the present measure, though I think it totally inadequate to accomplish any general or perfect work of relief. But so little do the people of Ireland concur with the Chancellor of the Exchequer in finding that infinity of difficulties in the subject, that they say, and with truth, that any system whatever would be preferable to the present. And the reason of this difference of opinion is obvious; he speaks from unwillingness to grant the relief, but they from the sensible pressure of the evil. Let the right hon. gent. propose any modification whatever that may have occurred to his contemplations, and it will be received with gratitude by the people. And this is the mode in which they reason on the difficulty; that is, in spite of legal sophistry, or the arguments of the right hon. gentleman, they cannot help considering tithes to be,

in their nature and their origin, which really and truly considered they are, and can be nothing else, namely a mode of taxation for the maintenance of the clergy; so it does not appear that there would be great difficulty in substituting any other mode of taxation or any other appropriated fund for the present; because that any mode by which the salaries of the clergy might be collected in Ireland would be preferable to the present: and a better tax might be easily substituted for one which is the worst possible in its effects. But, says the right hon. gent., tithes are not a tax, because he purchases his estate subject to them. May he not purchase his estate subject to the land-tax? and is it therefore a less tax, from the burthen of which he may be relieved by the legislature, or which may be modified in any way or exchanged, or sold, as it actually has been, when the public service may require? And why may not tithes as easily find a substitute? If the payment must proceed from the land only, why not substitute a per centage upon rents? or if the salaries of the clergy ought to be paid by all subjects equally, why not substitute a property tax on any other fund appropriated to the purpose? And as there are now actually in Ireland not one establishment only, but three religious establishments recognized by law, such a tax would enable the state to give an adequate maintenance to all the three establishments. And according to common policy and justice, it should appear that all the ministers of religion acknowledged by law should be amply supported by the public, or at least so far as to render them respectable to and independent of, their congregations. And if a fund was established for this purpose, even in part by the sale of the ecclesiastical tithes, contrived with any other means, the surplus of such funds might be applied to redeem the lay impropriations.— Now, sir, I could wish with regard to every subject, but more particularly with regard to this, that the gentlemen of England were fully apprised of the situation of the sister island; and principally with the situation of the lower orders. With regard to tithes Ireland is peculiarly circumstanced, and in all respects differently from England. In this country they are in general paid by the members of one church to the ministers of the same church: but in Ireland they are chiefly paid by the poor, and for the support of a clergy of a different persuasion. In England wherever there is a modus or a composition the payment of tithes is no grievance: it is cheerfully paid; or it ought to be so; and I doubt if I should vote for any alteration in the system of tithes in England. But will you teach the people of Ireland not to consider their grievances according to their own ideas and feelings; where the tithes are principally paid by the poorer orders of catholics; where all the pastures of the rich protestant grazier, where all the gardens, plantations and demesnes of the rich protestant proprietor, resident, or non resident, pay nothing to the support of their own church, while the cottier or labourer, who lives, or rather rots at his gate, cannot dig a meal for his children from his garden, at least in the south of Ireland, until the proctor's arbitrary demand is satisfied: and let it be what it will, it must be satisfied, or the wretch is threatened with what sounds more dreadful in his ears than the echo of French artillery would do, he is threatened with a citation to an Ecclesiastical court; that is to say, a citation to ruin. And this for a church from which he receives neither temporal comfort nor spiritual consolation: for a church whose doctrines were never promulgated in Ireland, at the time of the Reformation, by the messenger of peace nor the minister of the gospel: whose dogmas and whose articles were never preached in Ireland but by the thunder of British musketry, nor ever written on the hearts of the Irish nation but by the sharpness of British swords: an establishment which never obtained in that country much more than a name, a mere outward form, a sort of sketch of existence, under the bloody banners of Elizabeth and Cromwell. And moreover, the mode of payment by tithes was not of prescriptive right in Ireland, nor even of ancient standing; and I doubt if they were known, or levied, or ascertained by law in Ireland, previous to the Irish acts for their collection under Henry the eighth; and though the preamble to those acts may recite a supposed claim of the clergy, yet there is no evidence of their having been, unless very partially, established in the country before that period. And from that period to the present day they have been the constant subject of grievance and resistance; the pretence for every insurrection, the watch-word of every rebellion, the everlasting spring of every animosity to Britain. The Irish parliament was generally and

earnestly petitioned on the subject. This house would have been generally petitioned but for the peculiar circumstances of the country. Two pretty strong petitions have been read to the house this evening, and several counties have very strongly expressed their opinion on the subject in Resolutions and Declarations. All might have done so, but for the anxiety on the part of the government to suppress the voice of the nation. A right. hon. gentleman cries, no: and I will therefore mention one instance in which they shewed more than anxiety, if the information which I received is true, and what was rather extraordinary and unconstitutional, if I am informed right, for I do not speak from personal knowledge; a sheriff of a southern county, at the commencement of the present administration, was, in a very unusual manner, superceded in his office, for attempting to obey the requisition of respectable freeholders to summon a county meeting upon the subject of tithes.—Sir, were the opinion of Ireland left free, and were no inclination to appear on the part of this parliament, to redeem the pledge which England gave at the Union, for as a pledge it was received by Ireland, it is not for those measures which I mentioned, in conformity to the promissory declarations of Mr. Pitt, that your table would probably be soon covered with petitions from every county and town in that kingdom, but for that measure which would indeed at once relieve you from the pledge, and relieve Ireland from her present state of anxious and sickening expectation, namely, for a repeal of the Act of Union.

Mr. *D. Browne* thought it was the most serious duty of government to attend to the evils arising out of the present system of tithes in Ireland. He was friendly to the motion of the hon. member, and to any proposition which had for its object the amelioration of the state of the Irish peasant. He feared it was too late in the session to enter with due deliberation on so important a subject? but if it was brought forward early in the next, it should have his support.

Mr. *Grattan* observed there was no subject that pressed more upon the feelings of the Irish people than tithes. It affected them in every way. First, it came in the shape of the proctor to the door of the poor man's hovel, backed by an indefinite demand, and followed by a law-suit and a charge for agency.—The proctor was odious to the Irish peasant. He was the greatest little oppressor that ever roused the indignation of a people. He was a character, who, having no connexion with religion, yet in Ireland seemed identified with it.—Indeed, with the powers that the present system of tithe-collection gave him, he must always be an oppressor. He was also a dishonest man. He not only oppressed the poor peasant, but he cheated the parson. He was also the cause of the odium incurred by the clergy. The right hon. member avowed himself a friend to commutation for tithes. In establishing that, he was for all care being taken that the clergy should not suffer by the depreciation of the value of tithes. He thought that the plan he once had the honour to propose to the Irish parliament very practicable, and that much of the disturbances that afterwards prevailed in that country might have been avoided by its adoption. As the system now stood, it operated with peculiar hardship upon by far the greater portion of the population of Ireland. It was a hardship upon the catholic to pay two churches—one which he paid from choice, and another from necessity; from the latter of which, as it was well expressed by his hon. friend (Mr. Tighe) he received neither spiritual consolation nor political protection. He was convinced the poor in Ireland would derive great advantage from a commutation. The question itself was to be debated on two grounds, both as respecting the measure itself proposed, and as leading to a system of commutation. To the latter he professed he had been always friendly; he was always friendly to the church establishment, yet he could not but think that the nature of tithes served only to render the clergy disrespected. He would not diminish their income, although he considered it abundantly ample; but he would not have it remain uncertain. He allowed there was difficulty in applying a remedy to the evil, but he would not allow it was impossible. If gentlemen will not enquire, they cannot expect to be informed; and the only way he knew of to acquire information, was to go into a committee, and therein to learn the state of the Irish church. If the right hon. gent. had good grounds for the change in his sentiments, he thought he was equally well founded in adhering to his. It was idle and ridiculous to talk of inquiring into the real value of tithes, for if they did so, they would equally inquire into their application, and the purposes for

which they were originally granted; and, in that event, he apprehended the clergy would be found to be no great gainers by this inquiry; the true object of inquiry would be, what was a fit and proper support for the clergy? and upon that inquiry he was sure they would not be left less rich; and he did not wish they should be more so.—A great hardship in tithes was, that they were not merely a tithe upon the produce of the land, but also, of necessity, upon the labour in the attainment of that produce. The uncertainty of that produce was likewise the foundation of disputes every year, unless they did that by agreement which should be done by act of parliament. He had himself at two different periods, proposed what he considered a remedy for the evil, and he thought either of them was preferable to the present system; in like manner he considered the present Bill, as proposed, at least feasible. At the period of the existence of that description of disturbers called White Boys, he had proposed, and a clergyman had adopted a system of commutation, by which he had obtained an income considerably larger, and with mutual satisfaction, than he could have obtained by the regular mode of levying tithes.—The system of leases he by no means considered as impracticable; and they would certainly have the good effect of enabling the farmer to follow and enjoy his industry without the dread of any fresh demand being made upon that industry. He considered the principle a good one, and commutation eligible, as securing to the farmer the greatest blessing he was capable of receiving—a security against uncertainty; and if the right hon. the Chancellor of the Exchequer doubted it, the best mode of deciding the question would be to establish a commission to inquire into the subject. An acreable rate, he understood, would satisfy the parishioners, and improve the income of the clergyman.

Mr. *M. Fitzgerald* supported the motion, and in doing so, represented the hardships of a million of the people of Ireland, who were exposed to greater burdens in regard to tithes than the people of England: and in Ireland no poor rates and no paupers were supported at the public expence, while those here were supported by poor rates and in workhouses. He thought the fate of the Irish peasant not superior to that of the negro. The present measure went to his amelioration, and therefore he contended it ought to be voted for.

Mr. *M'Naghten* argued against the motion. He should be glad to hear of any plan that was likely to effect a change that could add to the comforts of those paying tithes, but he had as yet heard of none that could meet with his approbation. He recommended to gentlemen not to bring forward any measure of this sort until they could prepare a proper substitute for that which they meant to remedy.

Mr. *Croker* said, that he had often turned his attention to the subject of the tithe system of Ireland, and never had done so without coming to a conclusion that this system was a great inconvenience, if not a severe grievance to that part of the empire. No one could feel more desirous than he did to amend or alter the oppressive parts of it; it was the conviction of his mind, that some modification would be useful, and he felt it to be his public duty to take the first fair and favourable opportunity of effecting it; but it was those very feelings that obliged him to oppose the motion of the hon. gent. which he sincerely thought would render more difficult, if not altogether impossible, the effective remedy of the evils complained against. In the first place, the time at which this measure is proposed is totally unsuitable: at so late a period of the session, to enter on a subject of such vast importance, of such intricate detail, and such various interests, would be in fact to insure its defeat, and by such defeat to create a prejudice against it, when hereafter brought forward at a fitter season. He thought, too, that as a remedy of the system, it was totally inadequate, and he could not think that enabling the clergy to make tithe leases for 21 years, would in any considerable degree alleviate the pressure on the peasant and the poor. But his great objection to the motion arose out of his anxious wish to ameliorate the existing system, because the proposed bill went in fact to perpetuate it; it went to pledge the good faith of parliament to its continuance for 21 years at least, during which time no change could be proposed; but it went farther, and extended its existence for 21 years, from the date of any future lease that might be made under it, before the actual change should be approved; so that at whatever time we should agree to a modification of the system, 21 years must elapse before it could become effectual. Under these circumstances, and from this pressing consideration, he felt himself obliged, as a friend to the principle of

tithe reform, to oppose the introduction of the present bill, which must inevitably delay, and would probably prevent for ever that reform which he desired.

Mr. *Hutchinson* supported the motion. He thought the tithe system in England was perfect in comparison to that of Ireland, and although the present proposition did not go to remedy the evil, yet it pledged the house, that early in next session they would turn their attention to it.

Mr. *French* moved the Previous Question, as he saw no prospect of the house being able to discuss the measure during this session, and it was only encouraging a feeling which they could not gratify.

On the Previous Question being put from the Chair,

Mr. *Wilberforce* rose, and stated his anxiety that some remedy should be adopted for the evils complained of, but he saw no prospect of effecting any thing effectual during the present session. The house were at present much in want of information upon the subject of Irish policy, a circumstance which was much to be regretted, but as it could not proceed to propose a remedy, he should wish this question to be disposed of by the previous question, rather than an actual negative.

Mr. Secretary *Canning* thought it amounted to the same thing, whether the house disposed of this question by a direct negative, or by the previous question being put, as it was evident to him, that the time, propriety, or expediency of the measure, held out no prospect of its being possible to remedy the evils complained of during this session. It was not by sudden fits nor starts that any great evil could be got rid of; but there must necessarily be many considerations of all its bearings, and much discussion upon every point, and every interest affected by a change previous to its adoption. Although the union of the two countries had identified the interests of them both, yet still there was a necessity for nice discrimination before any alteration of a particular system should take place as to, or so as to assimilate it with that of the other, as much depended upon local circumstances. He should vote for the previous question, although it was not usual to propose it upon the bringing in a bill, as he did not object to the motion upon principle. If, however, he thought, that it had been proposed with a view to infringe upon the established church, he should certainly object to the measure upon its principle.

Mr. *Ponsonby* said there was no reason to apprehend that the measure for remedying the evils complained of could infringe upon the Protestant Church, as it was one of the essential provisions of the Union that that should be maintained as the established religion of the land. He understood that the generality of the ecclesiastical bodies in Ireland were all in favour of a change in the system of collecting tithes, and it was only a few of the higher order who objected to it.

Mr. *Parnell* said in reply that he by no means desired an abolition of tithes; that he did not wish for any alteration, but such a one as would secure the clergy a fair equivalent for what they now possessed; that the inference he drew from the relative numbers of Catholics and Protestants went merely to this, that if nine-tenths of the people were to pay the clergy of the remaining one-tenth, they ought to be permitted to pay them in the way the most easy and agreeable to themselves. He said he was extremely surprised to hear it objected to his motion that the period of the session was too late for entertaining it; because the Irish Chancellor of the Exchequer would on Wednesday next propose to the house to lay new taxes upon the people of Ireland, to the amount of 2 or 400,000*l.* per annum. If then it was not too late to impose new burthens upon the people, how can it be too late to redress a grievance of which the people of Ireland universally complain?

A division then took place, when the Previous Question was carried by a majority.

For the Previous Question - -	137
Against it - - - - - - - - - - -	62
Majority - - - - - - - - - - -	75

[Mr. Curwen's Reform Bill]—Mr. Curwen moved the order of the day for a Committee on the Seats in Parliament Bill.

Lord *Folkestone*, after the long discussion which had already taken place, submitted whether it would not be desirable to postpone the debate upon this important subject to a future day.

Mr. *Curwen* was at all times anxious to hear the sentiments of the house upon this question; but as he was aware that some of the clauses in the bill were dis-

approved of, he should not feel indisposed to postpone the discussion, because he should thereby have four or five days to reconsider these clauses.

Mr. *G. Johnstone* thought, that after a discussion which had lasted for six hours, this question could not receive a full discussion and he was therefore for the postponement.

On the motion of Mr. Curwen, the question having been put that the Speaker do leave the Chair,

Mr. *Ridley Colburne* declared, that if this bill were to pass, four-fifths of the boroughs would be affected by it. The motion of which an honourable friend of his had given notice for a Reform in Parliament, was less objectionable than this measure, and therefore this bill should have his decided negative.

Sir *W. W. Wynn* observed, that he was descended from those persons who had originated the acts against bribery at elections, and for the trial of controverted elections, and consequently a friend to any measure, calculated to promote the objects professed in those acts. Those who gave money for their seats, did it with a view to get it back; and, though some of those who get into parliament in that way were good members, others were bad, and consequently he should support the bill.

Mr. *George Johnstone* rose and spoke as follows:—Mr. Speaker; I much approve of the sentiments expressed by the hon. gent. (Mr. Ridley Colburne) who first spoke in this debate. He has stated sufficient ground to satisfy the house, that if it were to adopt the remedies proposed by the author of the Bill, there would ensue evils much greater than those which it is now sought to cure. But there are reasons still more cogent, which induce me to believe, that it is the duty of the house to reject the proposition in its present stage. This is a measure of no ordinary nature; my hon. friend modestly professes to desire only to carry into effect the Resolutions which stand recorded on our Journals; but his Bill is broad and comprehensive in its enactments; and, if passed into a law in its present shape, will alter the composition of parliament in such a degree, that few, indeed, of the persons I have now the honour to address, could retain their seats, if they complied strictly with all the obligations about to be imposed.—It appears to me, that there is no sufficient ground stated for the house to adopt measures of so dangerous and so indefinite a nature. The constitution, under which we enjoy so many blessings, is not the work of art; it is not the work of human wisdom alone, but has been produced by a happy combination of circumstances, during the lapse of ages; and to hazard the safety of such a fabric by measures of dangerous reform, whose consequences the house cannot calculate, seems to be the height of folly and presumption. The hon. baronet (Sir Watkin Wynn) has quoted, with great approbation, the Treating Act, the Bribery Act, and the Act for regulating Elections; I concur with him in the applause that he has bestowed upon those wise statutes; but I wish the house to regulate its conduct by the conduct pursued by our ancestors on those important occasions. It was not on any speculative principles that those acts were adopted; it was not until the evils they were meant to remedy were felt and observed, in their practical effects. Our ancestors were long aware of the consequences of excessive treating at elections; but it was not until the year 1696, when great and extensive evils were endured, by the competition among the great families to obtain returns to parliament, that any legislative remedy was judged necessary. In like manner, bribery may have been coeval with the importance attached to seats in this house; but it was not until the evil was brought before the view of our ancestors, in an aggravated form, at the election for Beverley, that the present act to prevent it was adopted. So, also, the partial decisions on controverted elections had been complained of for a length of time; but it was not until the disease assumed a more malignant character; it was not until parliament, reviewing the repeated decisions it had pronounced, under ministerial influence, on the case of Mr. Wilkes, became ashamed of its own conduct, and applied the remedy contained in Mr. Grenville's Act.—Since all legislative provisions are in themselves evils, by restraining natural liberty, it is not a sufficient ground to have recourse to them, that certain habits prevail which seem unbecoming and improper. We must trace them in their practical consequences; and before the house adopts a legal remedy some practical evil should be apparent, of a plain, distinct, and unequivocal nature. — Now, Sir, whatever may be the various means by which gentlemen attain the honour of sitting in this house, where shall we find the practical

evils of the present constitution? Is it in the admission of persons unworthy of so high a trust from education, from character, or from manners; or is it in the neglect and misconduct of parliament itself? I am aware, that parliament, out of doors, is charged with every degree of misconduct. I know, that we are said to be utterly unworthy of public trust; but because we are calumniated abroad, let us not calumniate ourselves. Let our proceedings be carefully examined; let our conduct be compared with the conduct of other public bodies, in other nations, intrusted with similar power, or compared with the conduct of our ancestors in the best periods of our history; and let the country decide whether we have discharged our duty. Let us be judged with reference to what has existed in any age, or in any country. From such an ordeal we shrink not; but let us not be tried on the theoretic principles of virtue, which have never had a practical existence, and are, in fact, inconsistent with the frailties of human nature.—To listen to what has been expressed out of doors, and what indeed has been hinted within these walls, it might be supposed that the Parliament of England resembled the Senate of Venice, legislating only for its own benefit and advantage; but what foundation exists for this and other charges? Have the members of this house been found to exempt themselves from the public burdens in any instance? or, on the contrary, is it not notorious that, amidst the difficulties induced by extended taxation, whenever we are at a loss for a new tax, we have immediate recourse to that class of tax, which bears more immediately upon ourselves—to the assessed taxes? Have we, in any instance, sought peculiar privileges for ourselves? Is not every one of those, which existed at his majesty's accession to the throne, now abolished? And so little effort did this seem to require, that the Bill by which the last of our privileges was extinguished, (Mr. Serjeant Best's Bill,) passed through the house almost without notice; and the process of the law is now, in every respect, the same towards members of this house as towards the lowest and meanest individual in the land. Gentlemen appear to be surprised that I should even mention such topics, so little does the idea enter into the mind of any one among us; but let it be recollected, that to obtain exemptions and privileges for their members, has been the first effort of all public bodies in foreign countries, possessing powers similar to our own.—But are we less careful of the public money than were our ancestors? Is parliament more disposed to lavish the resources of the state than in other times? Amidst facts innumerable, since the Revolution, it is sufficient to state, that even so late as in this reign, when, in 1769 it was proposed to pay the debts of the Civil List, parliament voted the money required; and yet ministers refused to produce the accounts, by which alone the propriety and necessity of the grant could be judged. In the present time, does there exist a minister so lost to all sense of propriety as thus to conduct himself? or, if such a minister could be found, is there a man within these walls who would not raise his voice to express his indignation?—But it is said, that there prevails the greatest abuse in the expenditure of the public resources, and that we are unwilling to make a reform.—Is there any truth, any justice, in the charge?—The knowledge obtained upon this subject is, in itself, a proof of strong desire to reform and amend; since it is the result of the labours of committees appointed by parliament, with a view to examine, and correct, whatever of evil may exist in our system. But with all our diligence, and all our researches, what is the amount of the abuses we have discovered, and what the conduct we have adopted? The abuses discovered in the naval branch of expenditure, by the laborious diligence of a most meritorious commission, must be pronounced as very considerable, compared with the extent of the service. And even the abuses that existed were chiefly carried on in the West Indies, which is beyond the reach of ordinary vigilance, and have now ceased. In the expenditure of the military department there has been found more ground for complaint, as was to have been expected from the indefinite nature of the service to be performed. But has there been shown any tardiness to restrain the evil when discovered? and are not remedies applied, such as promise to be effectual? It has been truly said, that the abuses in each gentleman's private household exceeded the abuses in the public disbursement, on a comparison of their respective amounts. Let gentlemen consider the prodigious magnitude of the services which are carried on; let them consider that they extend to every quarter of the globe; and is it astonishing that, under such cir-

cumstances, all the vigilance, all the attention of government, should sometimes be unable to prevent the frauds of the persons in whose hands such trusts are reposed? Do gentlemen expect that any government should be more vigilant in the discharge of its functions than is the Bank itself, whose attention, whose regularity, has ever been proverbial? and yet we find, that in the very simple functions which belong to that body, and in spite of all its care, a fraud was practised upon it a few years ago, to an extent far exceeding any which has taken place in the various and complicated duties, that belong to government. But here again, to form a just estimate of what is due to ourselves, let us compare the practices of former times; let us look to the abuses that existed in the time of the duke of Marlborough, in which he himself, as commander-in-chief of the army, was a participator. What was the conduct of Mr. Walpole, when secretary at war? so late as in the seven-years' war, similar practices prevailed to a degree which enabled our commissaries to start into rivalry with the most ancient and opulent families of the kingdom. In the American war they likewise existed, though not to so enormous an extent; but in the present times the house has the satisfaction to know, that these evils have in all cases been mitigated, and in many completely restrained. Where our commissaries are within the control of government, they have executed their duty with singular purity and honour; in Holland, in Egypt, in Hanover, in Spain: and if in the West Indies considerable frauds were practised in the year 1796, effectual means of correction have now been adopted.—Did the proceeding of the house, not many nights ago, and the countenance given to the propositions of an hon. gent. (Mr. Henry Martin), show an unwillingness to examine and amend whatever there be of evil in our institutions? Did it not appear that the pensions and sinecures amounted to only a one hundred and eightieth part of our annual expenditure? and was there not manifested, on all sides of the house, a disposition to retrench any part of this charge, which should on a fair examination appear superfluous? Is it no proof of public virtue that a revenue exceeding 60 millions is collected at no greater expence than 2,700,000*l.*; a less rate than is paid by many individuals in this house for the sale of their sugars, or is allowed by the Lord Chancellor to the receiver of any landed estate under his authority? Far from acknowledging neglect or criminality, I confidently maintain, that the conduct of parliament, in late years, gives it a great claim to the confidence and gratitude of the country, which our ancestors never possessed.—But it is said, that, on a late memorable occasion, parliament displayed the grossest proof of misconduct, of corruption, and of contempt of the sentiments and opinions of its constituents. So little am I disposed to regard this transaction in the same light, that I do not hesitate to assert, that when the passions of the people shall be so far abated as to enable them to take a calm and dispassionate view of all the circumstances attendant on it; or were an intelligent foreigner required to pronounce upon it, it must be declared to be a case, which, beyond all others, manifests the power of the popular branch of our constitution. The son of our sovereign holding an office of the highest trust, which, by the acknowledgment of all mankind, he had discharged with eminent ability, put upon his trial by the unanimous voice of this house, on the accusation of a person very little known in parliament, and totally unsupported by any party. After a most patient and laborious investigation, where the chief evidence was a woman under the influence of jealousy and hatred, altogether destitute of character or morals, a personage so exalted in rank and dignity compelled to retire from his high situation, in spite of all the efforts of administration, aided and supported by such parts of opposition as had ever filled or entertained an expectation of filling public stations. But it is denied that this resignation was the result of the opinion expressed by the house of commons itself. It is said a very large proportion of the house decided favourably to the Duke of York, and that it was the voice of the people, alone, which compelled him to resign. In the view that I take of our constitution, considering it as a machine for practical purposes, I am satisfied when a beneficial result is attained; nor am I anxious to inquire, when our object is accomplished, by what means it is brought about; but surely it was parliament itself that compelled his royal highness to resign. No person who observed the public proceeding of the house, and knew the feelings and sentiments that pervaded it, would deny that it was prepared ultimately to have concurred in a vote for his royal

highness's removal from office, had not his resignation prevented it; although it refused to record on the Journals a resolution, which, in a case of much doubt, affixed an indelible reproach on his character. But I am prepared to go still further, and to assert that this result is, in reality, the most beneficial that could be attained; and such as a moderate and politic person would have desired, whatever had been the light in which he viewed the conduct of the Duke of York. By his removal from office, the great practical object in view was attained; and for all purposes of example, the public nature of the inquiry, and the result, would operate to deter others, quite as forcibly, as if we had proceeded to the severest punishment: at the same time, by refusing to record on our Journals the Resolutions proposed, we abstained from degrading monarchy in the person of a prince so nearly connected with the throne, and escaped from the serious embarrassments which would have ensued, had the regency, or the sovereignty of the realm, descended to a man disgraced and dishonoured by the deliberate and solemn vote of parliament. Lamentable, indeed, will be the condition of the country, when parliament shall be found insensible to the feelings of the nation; but far more calamitous will be the times, when it shall become the mere echo of the voice of the people. Individually we ought to sympathize, we ought to partake of every sentiment of those, by whom, and for whom, our authority is constituted. But in the resolves of parliament, the sentiments of the people ought ever to appear softened and refined; divested of all their grossness; and, above all, purified from that passion and violence which is inseparable from popular feeling. But it is contended, that the practices which this bill attempts to remedy are contrary to the theory of our constitution. After what has passed in parliament; after it has been said, that the practice complained of is "notorious as the sun at noon-day," (see p. 519). it would be prudery in me to deny that something of the kind may exist. But I cannot admit that it is "notorious as the sun at noon-day;" and if such abuses prevail, I believe them to have been uniformly practised in secrecy. When gentlemen, however, appeal to the theory of our constitution, they appeal to that which I do not distinctly comprehend, to something of which I suspect they themselves have no very definite conception. So much, however, is certain, that every theory of our constitution differs altogether from the practice. Our theory supposes the power of the constitution to be lodged in three branches, checking and controlling each other; while it is perfectly evident, that, by the change of circumstances, the whole practical power of the constitution is vested in the house of commons, which, by withholding supplies, may entirely control the other two branches of the constitution. It is sufficient for me to know, that it has produced greater practical benefits than have been found to exist in any other government, ancient or modern; and, as long as we continue to enjoy such blessings, I shall never be studious in the pursuit of theoretical amendments. But another, and a better ground, is taken, when gentlemen say, we seek to restore the constitution to its ancient purity;—this I fully comprehend; I join issue with them; and if they will point out the times in which greater purity existed than in the present times, I will gladly recur to the practices which then prevailed. But let us examine this question: gentlemen would scarcely wish to go back to the times of the Tudors, when parliament was the base instrument of the legal vengeance of our monarch. As little would they recur to the times of the Stuarts. Many useful laws were enacted in the reign of Charles the second; but will it be denied, that almost all the chief leaders in the house were actually in the pay of France? But I suppose that we are to look for an example in the reign of king William, when those self-denying ordinances, which are so much the object of admiration in the present day, (the laws against placemen and pensioners), were passed. Let us look a little at the practice of those times: is it not notorious that the monarch himself received a present of 10,000*l.*; that the Lord President of the Council received 5,000*l.*; and that a person was found, who disgraced the chair now so honourably filled, by the acceptance of a bribe of 1,000*l.*? Nor are these solitary cases. There is scarce a page of the history of those times, in which something of the same sort will not be found. If we proceed to the succeeding reigns, we shall find our ministers, Walpole and Stanhope, acknowledging in this very house their mutual peculations and embezzlements. In the following years, how many abuses were practised in respect of the South-Sea bubble, and the Corporation

for the Benefit of the Poor? and how many members of this house were expelled, in consequence of the grossest frauds? Surely then, in no part of sir Robert Walpole's administration shall we find an example of that purity to which we may refer; in fact, it was not until the administration of Mr. Pelham that ministers were free from the reproach of personal corruption, not such practices as are now stated to exist; not the exertion of influence; not arrangements, by which men may come into parliament here to exercise a free agency, all which prevailed to the same degree as at present; but the absolute receipt of monies, of bribes in their own persons, for the vilest and most unworthy purposes. Perhaps it is impossible better to illustrate the difference between those times and the present, than by a reference to what took place concerning the very piece of ground at Chelsea, which has been a matter of so much discussion. Sir Robert Walpole, the minister, without a pretence, scrupled not to obtain from the crown a grant of the land of a national charity, for his own individual benefit; and the transaction passed entirely without notice, whilst the grant of a part of that very ground, for a valuable consideration, proceeding through all the forms required by the law, has set the nation in a ferment. In saying this, however, I desire not to be understood as approving, in any degree, of the latter transaction; it is not for the credit of government, and ought to have been avoided. But let us look at times somewhat more within our own memories; let us look at the administration of lord North. It were needless to weary the attention of the house, by tracing the various instances of ministerial influence, and of parliamentary servility, exhibited in the proceedings on the Middlesex Election; it is sufficient to state, that towards the close of the American war, when most of the counties in England had petitioned for a careful review of our expenditure, the motion of sir George Saville, for laying before parliament the Pension-list, was rejected, and ministers condescended to inform the house of such pensions only as were payable at the exchequer. Does any minister now exist so hardy as to propose to parliament such a vote? or if, lost to shame and prudence, he suggested such a proposition, how many of this corrupt and degraded parliament would support him? These facts are sufficient to prove how much more pure and honest is the present practise of parliament, when compared with any former period of our history; and, indeed, gentlemen, when they talk of restoring the constitution to its ancient purity, are themselves compelled to acknowledge, that our constitution is in a progressive state of amendment. An hon. gent., (Mr. Whitbread) himself the chief supporter of reform, distinctly stated the fact; he told us, that parliament was reforming itself; that since the Grenville act the franchise of three boroughs had been extended; and that every borough in the kingdom was attempting to free itself from the controul of the patron by whom it had hitherto been ruled. The fact is undeniable; and if 275 members were returned to parliament by individual interest, as was stated in the Petition for Reform in 1797, the proportion is now greatly diminished. No one can deny the sentiment that now pervades every town and city in the empire; nor is it to be doubted, that in a very few years their independence will be exerted to such a degree, that no returns will be made by individuals, but those who are possessed of burgage tenure. Is it nothing, likewise, that, by the operation of the wise laws alluded to early in the debate, all the disorder, all the riot, all the confusion formerly incident to elections, is at an end? In former times these were great and serious evils; they were not the pretences on which the septennial act was justified; but they were felt by grave and well-disposed persons to be of such a nature, as greatly to serve in justifing parliament, when it extended its own power and duration. Even Mr. Burke, in our own times, in arguing this question, speaks of the disorders, attendant on elections as an important consideration, why the duration of parliaments should not be shortened. Every one has read of the disorders that ensued in the metropolis, on the election of Trentham and Vandeput; we ourselves witnessed the evils incident to the elections of Mr. Fox and lord John Townshend. Is it no benefit, that such scenes of violence and disorder are now entirely at an end; and that the elections in 1806 and 1807 were conducted with as little confusion as occurs in the annual choice of our magistrates?—Another great and important change stands recorded, by the most incontrovertible of all evidence—our own proceedings. The house had occasion to scrutinize the mode of election in no less than eighty cases, in the short

space of a twelvemonth; and in no one instance was bribery proved to have been practised; and in very few was it even alleged. When there exists such manifest proof of the amended state of our representation, when our laws have been so far effective, it is a little too much for the hon. mover of this Bill to propose to us to enact new and severe laws for the purpose of correcting bribery. This part of his bill is, at least, unnecessary; it is in absolute contradiction to the evidence before us, and seeks to remedy an evil, which is proved to be sufficiently restrained by the laws now actually in being.—But the hon. gent. complains, that the landed interest has lost its preponderance, and that the influence of the monied interest is now too great; an evil which he hopes to cure by the present bill. I would remind the hon. gent., that this complaint is not new; that it has existed in all times; and was never more loudly urged, than in those times of purity to which we are referred, —the times of king William; then also was it attempted to set up a distinction between the monied and the landed interest, with as little success as, I hope, will attend the present effort. The hon. gent. deems this mischief to have prevailed chiefly since the year 1784; and even the right hon. gent., (Mr. Windham), whose opinions I much admire on all other points, seems to think, that, by the transactions which then occurred, a great change was produced in our constitution. I agree with that right hon. gent., that a great change did then take place; but it was a change not injurious to the popular branch of the constitution; it was the triumph of the popular part of the constitution over the house itself. In adopting Mr. Fox's East India bill, and by the measures it afterwards pursued, to restore Mr. Fox and lord North to his majesty's councils, parliament acted in direct opposition to the feelings and sentiments of the people; and we need not be astonished, that in the result of the conflict it was defeated. The alteration resulting from that transaction, and the change of representatives in so many places, which ensued upon the general election, consisted, not in any preference for the monied interest, as contrasted with the landed interest, but in moderating the strong spirit of party which before prevailed in the house and the nation. And here I must permit myself a very short observation, on the anxiety gentlemen manifest to profess themselves partymen, and to contend that it is the best and most honourable conduct that can be pursued in parliament. It is not, however, to discuss the question, but to profess my own conviction, that public duty is far better discharged by an imitation of the member for Yorkshire, (Mr. Wilberforce), who, keeping his mind entirely free from all party bias, is ever ready to throw the great weight resulting from his talent and integrity into that scale, which is in danger of being forced from its proper balance.—Waving, however, further observation on this point, it cannot be denied, that, if party must exist, it is highly desirable it should exist in the most mild and moderated form. This I consider to have been the fact in a remarkable degree since the year 1784, and the reason is evident: If, on the one hand, difference of principle among parties would seldom lead to danger or violence, were it not united with a difference of interest among the individuals of which parties are composed; so, on the other, party, when proceeding solely from individual motives of interest, cannot lead men long to depart from truth and justice, in a cultivated age such as the present. In the times of the Stuarts a great difference of principle existed, even among good men, as to the relative power of the crown and of the people. It was not altogether settled at the revolution, since king William ventured to set the will of the crown in opposition to the feeling of the people, in respect to some of our best and most wholesome laws, particularly the law for regulating Trials for Treason, which he rejected during several sessions, and to which his assent was not obtained until the latter period of his reign. The throne was secured to the house of Brunswick by the efforts of the Whigs; and they continued to govern the kingdom until the accession of his present majesty. From that date no difference has existed in this country, founded on any difference of political principle; all classes of party-men have sought only to preserve the constitution such as it is; but the contest that arose respecting the line of policy to be pursued towards America, and the opposite opinions maintained in parliament for so long a time upon that subject, had, in a manner, enlisted parliament under separate leaders. By an union, they at once endeavoured to control their sovereign, and endeavoured to disregard the opinions of the people. Since the failure of that attempt, the party-feeling that has prevailed in the house has

been nothing more than preference for one or other of the great leaders, now unfortunately no more, whose talents guided its debates. In point of practical conduct, it is probable that, which ever had been the minister, nearly the same measures as have been pursued, would actually have been adopted. Under such circumstances, it is not possible that the spirit of party should pervert, in any very great degree, men's fair and honest judgments. By this abatement of party-spirit; by the great influence of public opinion on our proceedings; and sometimes by the direct part, which the people have taken in public affairs, expressed in the resolutions of public bodies; the increase of the influence of the crown, arising from its enlarged revenue and expenditure, has been counteracted. Since that time, the warmest friends and the most zealous supporters of administration, have always reserved to themselves a freedom to withhold their support, and even to oppose measures of which they did not approve; and parliament will be found to have displayed a degree of independence, which, on no former occasion, was manifested. Symptoms of this spirit were first shewn in respect of taxation. In former times, a minister, who failed in persuading parliament to adopt a tax, seldom retained his power any long period of time. The fall of sir Robert Walpole soon followed the rejection of his propositions for the Excise; but Mr. Pitt was compelled to give up the Shop-Tax, the Maid-Servants' Tax, and the tax on Succession to real property, without any abatement of his general power or influence. When the Declaratory Bill for India was introduced, many of his best friends asserted their free agency, professing still the same warm desire to support his administration. The same spirit was more distinctly shewn in respect of the general plan of fortification; and, notwithstanding the brilliant success which had attended his measures in Holland, and the recent submission of Spain, when he proposed to involve this country in a war with Russia, the attempt was resisted, and parliament asserted its right of judgment—a circumstance the more remarkable, when it is considered that this was a question depending on details, known only to the cabinet, and on which parliament had always been used to vote on confidence. But the case which, beyond all others, proved the independence and virtue of parliament, was the proceeding adopted concerning lord Melville. We saw a minister, who had been in office for 20 years, who had displayed great talents and ability, who possessed the favour of his sovereign, and enjoyed the confidence of his country in a high degree, at once driven into disgrace, for neglecting to restrain the conduct of a dependant in the misuse of the public money. Neither the influence of administration, the power of the crown, nor the tears of Mr. Pitt, were found availing to induce the house to abstain from requiring his removal from the privy council, on an occasion where he had failed in his duty to his country. All these are proofs of a degree of independence, of public spirit, and of public virtue, which will not be found in the history of any nation, or in the proceedings of parliament during the times of our ancestors. They abundantly prove, that we have discharged our duty with honour and integrity; and should induce the house to disregard the present clamour, which must soon subside; being founded in an exaggerated and impassioned view of a late transaction, and in no degree justified by our conduct, which, in every stage, has been wise, moderate, and just. Influenced by these sentiments, I maintain that no change is necessary; but, even if a change were necessary, is the bill of the hon. gentleman calculated to amend the character or composition of parliament? What is the conduct of the persons whom he seeks to exclude from this house? If I ask out of doors, or even if I ask some within these walls, they will answer like the hon. baronet, (Sir Watkin Wynn.) that they are peculators and jobbers, who having bought their seats seek only to obtain a remuneration for the expenditure they have thus incurred, who are at all times ready to say to their constituents (in the words of the story), "I have bought you, and now I will sell you." But is this the fact? and are they found to discharge their duty less conscientiously than other members? What is the class of persons supposed to purchase seats in this house? Merchants of extended connexion, and of great wealth; men who have served their country abroad in the naval and military profession; lawyers of great eminence; or persons who by any other means have arrived at considerable affluence or distinction. Having provided for all the necessaries and luxuries of life, and a surplus still remaining, instead of wasting it in maintaining an increased retinue, or more splendid equipage, they dispose of it in

obtaining an introduction to this assembly, anxious to become known to all who are great and eminent among their countrymen; and often honestly hoping, that when questions come under discussion, in which, from the habits of their life, they are conversant, they may be useful to their country. They are men who have a disposition to preserve, if not always endowed with a capacity to amend, the constitution of their country. The powers of the legislature are at least safe in their hands. And what is the course they are found to pursue? They generally support the ministers to whom his majesty has intrusted the administration of public affairs; and such generally is the first duty of every good citizen, in dangerous and critical times like the present. But whenever measures of a doubtful nature are proposed, are they the persons who most readily sacrifice their feelings and opinions at the shrine of power? Are they the men who adopt the measures and opinions of government by wholesale? Consider the case [of Mr. Dick] so lately brought under our review: here we find a gentleman connected with government by long habits, and bound by the ties of relation to the chief minister of Ireland, his guardian and his friend, retiring from the honourable situation which he possessed, rather than give a vote contrary to his feelings. Or, if the test of virtue be the conduct pursued by members of parliament in respect of the Duke of York, it will be found that there is among the famed 125 a larger proportion of gentlemen, such as the present bill would exclude from parliament, than of persons connected with the landed interest; and an infinitely greater proportion, than of persons who are supposed to be connected with the aristocratic branch of our constitution. I call upon gentlemen on both sides of the house, who have filled official situations, to declare whether it is amongst this class of persons that the most importunate suitors at the treasury are to be found. For themselves, they are precluded by their situations from seeking any thing; for their families, in general, they have little to desire; for their constituents, no provision can be necessary from the nature of the circumstances. Some may require facilities for their commerce; others may occasionally possess an ambition to be raised to the honour of the baronetage; but, upon the whole, I am confident that they are the persons, who least frequently are found to solicit favours, and who, in the votes they give, discharge their duty most conscientiously. Now what ground can there be, either from experience or from speculative reasoning, to suppose that, if the law proposed could be rendered effective, and persons possessing parliamentary patronage were precluded from disposing of it in the way asserted, and compelled to fill their seats with candidates who made them no return, such men would better discharge their parliamentary duties? Were persons possessing parliamentary influence so to dispose of it, are we to expect that they would seek no reward, or have no personal objects to gratify? Is this consistent with human nature, or with experience? They would equally seek some selfish gratification; but, instead of obtaining it in the manner they now do, they must obtain it from government. On this point we are not without experience, and I wish the house calmly to weigh the practical results. Let us suppose a gentleman, possessed of considerable parliamentary influence, acquired, as some will say, by the basest arts of management, but, as may probably be the case, by exercising kindness and protection to all around him,—suppose him to seek return, for the pains and labour he has exercised in the acquirement of so great an influence, by introducing to parliament persons connected with the monied interest,—suppose even that he adopts only such as are recommended by the treasury; at least the tie by which they are bound is loose in its nature, and will be found to serve only on ordinary occasions. While the machine of state proceeds in its ordinary course they may be found to lend a willing aid; but whenever doubts occur, whenever points arise, on which men of honourable minds may fairly differ, they will be found divided in opinion, each asserting his own conception of the case. Suppose the same power and influence exerted gratuitously to return to parliament friends of the minister; even if that minister were as great, and as powerful, and as virtuous as Mr. Pitt, could he withhold from one to whom he owed so great an obligation successive degrees of advancement in the peerage, even if two steps were required in the course of one year? If, on the death of such a minister, he transferred his powerful aid to his successor, would a minister, as stern and rigid in the discharge of his duty as lord Grenville, refuse to such a person those honours

of the peerage, which are mostly confined to characters who have upheld the glory of their country by the most brilliant achievements in its military service, or directed its councils in the Cabinet. Or suppose another course adopted; that, instead of an alliance with government, he should adopt the party of opposition; not only support them by his friends, but at a time, when no hope of returning to power remained, when their case seemed utterly hopeless, actually bring into parliament several who had once been members of administration. If by any change of fortune those ministers were again called to power, what bounds can be set to his claims, and to their honest gratitude? what honours, what distinctions, would not be heaped upon him? or to what office in the church, in the revenue, or in the military or naval service, would not his recommendation be considered to afford a most incontrovertible claim? And are these imaginary cases; or will not every one recognize their existence within his own remembrance? However unfitting, however unseemly, the practice alledged, I do not hesitate to assert, that, in its practical effects, it is far more benefical, than if the possessor of parliamentary influence be compelled to seek a return in the way described. In the one case, a remuneration is obtained, sometimes from the innocent vanity, often from the laudable ambition, of him who enters this house. In the other, it will be sought by the pursuit of those honours, which ought only to be the reward of eminent service, or by promoting to all the offices of the state the dependents and connections of the possessors of parliamentary influence. In the one instance men come into parliament by means which we may not approve; but, when here, are generally found to exercise their duty with a fair portion of independence and impartiality. In the other, they may enter the house in a manner to which no reproach belongs; but, when here, they will be found to be no more than the mere organs of their patron, who, having made his arrangements with one or other party, announces his will by these his instruments. Can any man hesitate to say by which of these courses the public service will be best promoted? But it is not only on public occasions that such an influence will be found to be mischievous; even on questions which are more of a judical than of a public nature, in all questions that regard private rights, we shall find that, as often as private bills are under discussion, the same baneful and predominating influence will assert its power; nor is this mere speculative reasoning: every gentleman must already have felt and witnessed its operation. But the hon. gent. has conceived, that by his bill a larger portion of the landed interest will be introduced to the house. If the landed interest are to exercise the same arts in boroughs which are now supposed to be practised by the monied interest, I really do not see in what respect we shall be gainers; and if he supposes that persons possessed of parliamentary influence will use it only in favour of their neighbours in the country, he indulges the most groundless hope. Do the present possessors of influence, who are supposed to disdain all pecuniary advantage, seek for representatives among that class of persons? Do they not prefer their relations, or persons over whom they can preserve a direct control? or gentlemen bred to the law, who, by their talents and elocution, may advance the interests of the party they espouse? Or, do they not sometimes appear in parliament, as in a court of justice, by their attorney? There is, however, another class of boroughs, in which the hon. gent. may suppose his landed friends will be received with favour. He may indulge the expectation, that many of those, who now court merchants and bankers from London, will select in their stead the landed gentlemen in the neighbourhood: but this is no less a visionary hope; they must either make themselves acceptable by the same means as are now found efficacious; or the person, who is now content to perform the subordinate duty of agent and manager, will himself be the member. He is the person immediately known and connected with the electors in small boroughs; he manages all their affairs; he assists them amidst all their wants and necessities; and, if they exercise a pure and unbiassed choice, to him will it be directed. Then indeed would our constitution be destroyed; then would the representatives of the nation no longer represent its property; and the experience of a great and powerful kingdom has sufficiently demonstrated, that, if ever power and property are disunited, the possessors of power will very soon wrest the property from the inert and nerveless hands in which it is vested. Deeply impressed with a conviction of the danger of the mea-

sure, in its present form, I implore the house to pause before it gives countenance to innovations, whose operation human wisdom cannot foresee. We possess a judicial system so perfect, that no improvement of it has been suggested, even by those who indulge in speculations on all other subjects. The first object of every political association, security of person and property, is enjoyed in a degree to which no other nation ever attained, even at a moment when the ambition and violence of our enemy compels us to maintain a standing army of 200,000 men. A revenue of sixty millions is brought into the exchequer at a cheaper rate than any individual can collect his own rents. And if, in so vast an expenditure, some abuses and some frauds have been discovered, let it be remembered, that, even in our own domestic management, some portion of waste is ever united with great wealth: than an anxious desire prevails to correct whatever is faulty; that our government is conducted on more honourable principles than at any antecedent period; and that parliament, whatever may be the seeming imperfections attendant on the various modes of election, unites within its walls "every thing illustrious in rank or descent, in hereditary and acquired opulence, in cultivated talents, in military, civil, naval, and political distinction, that the country affords *." If, enjoying such blessings, the people are discontented: if, in such hands, they are no longer willing to repose the management of their affairs, I despair of my country; and must prepare for scenes such as have been exhibited among other nations. Let us not, however, be accessaries to these calamities, by legislating in order to satisfy the people, as it has been termed; or, more plainly speaking, by legislating under the impulse of fear. Let us discharge our duty with firmness and courage. If, upon an impartial examination of our own conduct, we are conscious that there exists among ourselves a taint so foul as to require a radical and fundamental change, let us adopt it; but let us not indulge the vain hope of appeasing popular clamour by countenancing measures at this period, which, at no other, would be deemed wise or expedient.

Mr. *Lemon* then moved that the debate be adjourned, and it was accordingly adjourned to Thursday next.

* Mr. Burke.

HOUSE OF COMMONS.

Wednesday, May 24.

[IRISH GRAND JURY LAWS BILL.] Mr. *Maurice Fitzgerald* called the attention of the house to a subject which he considered of great importance, and requiring the application of a speedy and effectual remedy; he meant the mode hitherto practised in the raising, expenditure, and accounting for the monies voted by the Grand Juries in the several counties in Ireland; the latter particularly of which was become a mere form, and wholly inoperative. The evils arising from the multiplication of oaths were universally felt and acknowledged. In the case of treasurers for counties in Ireland the mode of accounting was merely upon oath, before a single magistrate, and was found to be wholly nugatory. By the bill which it was his intention to move to bring in, he proposed to correct this evil, by making them, instead thereof, to account regularly, in open court, before the Judge of assize; which, he conceived, would prove a check upon them; and also that they should give security for the trust reposed in them.—Another evil which he conceived to call for redress was the way public works were carried on. By the present system any work voted by a Grand Jury at one assizes was necessarily executed, and the accounts passed at the ensuing assizes; this was attended both with fraud and imperfections in the execution of such work. The remedy he proposed for this, was a delay of a certain period of time, intervening between the execution of such work and the passing the accounts; for the purpose of affording leisure both for examining into the work itself, and the accounts of the expenditure thereon. With regard to the levying the money necessary for the carrying on such works, he proposed that this should, in future, be fixed at stated periods, that so the persons called on might not be taken by surprise. He also promised to introduce into his bill a power in those interested to traverse either the work itself, or the accounting for it, by the means of civil bill, before the assistant barrister of the county, as a check before the passing the accounts.—As a further improvement, he proposed that in future all proceedings of Grand Juries, on all subjects relative to presentments, should become matters of record, by being entered on their books, for the inspection of future Grand Juries, thereby enabling them to

be acquainted with the past, and to be judges of the future. Another alteration he proposed was, the taking the power of passing the accounts altogether out of the hands of the magistrates, and placing it in those of the assistant barrister; subject, however, to appeal to the Judges of assize. He further proposed that all persons undertaking any public work, should be compelled to enter into a recognizance for the due execution thereof. The present system upon that subject was radically bad; by it, any person undertaking any public work, when finished, and his accounts passed, had no further interest in its preservation; and thus, for the saving of a trifling expence, it probably went to ruin. To prevent this evil he proposed that Grand Juries should be obliged to contract with such persons to keep such works in repair for a certain period after the work was finished. It was not his intention to press the passing the bill he proposed into an act during the present session, but merely to have it printed, for the purpose of its being considered during the vacation, in order to its amelioration against the next year. There was another subject, which he considered as in some degree connected with this, and standing in need of regulation; he meant the present mode of assessing the Land Tax in Ireland; but as he knew that this had very much occupied the attention of a right hon. friend of his (sir J. Newport,) who, he believed, had it in contemplation to propose a new survey, for the purpose of remedying the evil, he did not know but it would be better left in his hands rather than incorporate it in the present bill. He concluded with moving for leave to bring in a bill to amend the Grand Jury laws in Ireland.

Mr. *Foster* observed, that as it was not intended to press any measure during the present session, he should, without pledging himself to agree to any thing specific, not oppose the bringing in the bill.

Sir *J. Newport* declared, that he had it in contemplation to propose some new regulations, relating to the mode of assessing the Land Tax in Ireland. By the present system, the tax was assessed by plough lands, some of which might be only of three or four hundred acres, while others contained as many as thirteen acres, so that it followed that some paid as much as two shillings an acre, where others did not pay more than as many pence. It was therefore certainly desirable to ascertain the number of acres that should be taxed, in order to an equality of burden; and he intended to propose some measure for this purpose in the course of the next session.

Col. *Barry* expressed himself adverse from any measure of this kind, which he considered as an innovation upon those who had purchased lands, subjected only to the present rate, and as such entitled to call for compensation.

Mr. *Dennis Browne* coincided in opinion with the right hon. gent. opposite him, as to the necessity of some regulation in the mode of levying the tax, which was at present grounded upon what was called the Down Survey; since which there were ten acres for one in cultivation, and which, by the present system, were exempted from the tax.—Leave was given to bring in the bill.

[Army Regulations—Lord Burghersh.] Colonel *Shipley* rose to bring forward the motion of which he had given notice, previous to the holidays. He was, he said, perfectly sensible that it could never be the wish or intention of that house to attempt any wilful or unnecessary interference, in the interior management or regulation of the army of this country; that had by the constitution been placed in other hands; and he well knew the house would not interfere in it, but in extraordinary cases, where certain rules laid down for its most essential and vital interests were rashly or premeditately broken through. When the duke of York was made the Commander in Chief, certain Regulations were issued by his majesty, by which it was settled that no officer should be made a field-officer till he had served six years, nor a lieutenant-colonel till two years after he was made a major. The present Commander in Chief had made that regulation stricter than it was before, by extending the term to nine years. In defiance of those regulations, lord Burghersh had, on the 4th of May instant, been appointed to a majority, and in a few days afterwards made a lieutenant-colonel, by which he had been put over the heads of many officers who were senior to him, and particularly the oldest captain in the regiment to which his lordship belonged, and who was five years and a half an older officer than lord Burghersh; and by his recent advancement his lordship passed over the heads of 600 officers, many of whom were in the army before lord Burghersh was born. If he had been the son of an Abercrombie or a Moore, he

(colonel Shipley) should have thought his promotion too rapid. The country had observed with indignation, that the person thus prematurely preferred was the son of a cabinet minister, who ought to have advised that nothing but meritorious services, and gallant exploits of the most eminent kind, should have entitled him to such extraordinary promotion, nor could any thing less than these have justified his majesty's ministers in countenancing such a measure. In what he now brought forward, he meant nothing personal to the noble lord; but he thought, in times like the present, the service of the army required the protection of that house, when they saw his majesty's ministers so ready to countenance the breaking through regulations so essential to its welfare, and made expressly for the support of it. He had heard it reported, that this extraordinary promotion had been made in consequence of the promise of a high personage to the father of the noble lord; but the crown could do nothing without the knowledge and approbation of its ministers; and it would be much better such regulations had never been established, than suffered to delude the officers of the army by a shew of impartiality which was not intended to be adhered to in every instance. He (colonel Shipley) was one of those who voted against the duke of York, but he would be much more inclined to give his sanction to one who might be seduced by his regard for a woman into certain irregularities, but who would inflexibly adhere to the regulations of the army, than a Commander in Chief, who, whatever might be his individual merits as an officer, would submit to the Regulations made under his own advice and sanction being broken through, almost as soon as they had been issued and promulgated. Under these circumstances, he felt it his duty to move, "That there be laid before this house, a Copy of a Regulation of his royal highness the duke of York, relative to the length of time each officer in the army must serve before he can obtain the rank of a Field Officer; also, a Copy of a Regulation to the same effect issued by the present Commander in Chief; also, a Copy of the dates of the different Commissions of lieutenant-colonel lord Burghersh, specifying whether they were obtained with or without purchase."

Lord *Castlereagh* said, he believed the hon. officer who brought forward this motion, would not have been induced to call for this information, if he was acquainted with all the circumstances of the case. He believed there was no principle the house would more readily recognize than that they should not interfere with the disposal of the improvement of the army. Nothing could be more wrong. Of all those prerogatives which the king possessed, there were none more universally allowed or less doubted of, than his power to confer commissions in the army and navy, create peerages, make peace and war, &c. The king might put himself at the head of his army, and it would then be in his power to exercise his discretion in promoting what officers he pleased, and nothing but some instances of something extremely corrupt would justify the house of commons in interfering so as to narrow this branch of the prerogative. The hon. officer had, in the present question, taken much too close a ground as to this part of the prerogative. The Commander in Chief laid down regulations; but his majesty had a right to alter them. It never had been, or could be understood that his majesty had not a right to depart from that rule when he thought proper. There had not long since been an instance of it in the case of general Graham (Hear, hear!). There was a rule that an officer who came into the army on temporary rank, should not be preferred, but according to a certain rotation; but his majesty, in the case now alluded to, thought himself authorized and impelled to repeal that regulation, and to place general Graham at the head of all the officers of the same rank. The king never did nor ever could mean to divest himself of that paramount prerogative. He conceived the appointment was not contrary to the regulation which was made the 20th of March last. Lord Burghersh's commission was dated the 25th of March, 1803, so that he was entitled to his promotion on the 25th of that month, a difference of only five days; and for so slight a difference as that, he thought the hon. gent. who made this motion would be sorry to stop the promotion of so meritorious an officer. Though a very young man, he had sought service in every quarter of the globe—in the north of Germany, in Sicily, at the Dardanelles; was aide-de-camp to general Walker at Rosetta, and to sir A. Wellesley both at Roleia and Vimiera; and he hoped therefore the hon. mover would not think the king had stretched the prerogative in appointing an officer of this

merit. Certainly, after these acts of heroism, application had been made to the late Commander in Chief, and lord Burghersh obtained a promise that he should receive promotion as soon as the limited time of his services was expired; and he (lord Castlereagh) thought that when his majesty saw any young man who possessed high rank and fortune, laying aside all the soft and seducing allurements of pleasure at home, and devoting himself to the service of his country abroad, his majesty would shew great wisdom in bestowing superior marks of favour on such extraordinary activity, zeal, and enterprize. The hon. mover complained that lord Burghersh had not only received a major's commission, but one of lieutenant-colonel also; but this was no new case; for there had been cases without end in the guards where the rank of lieutenant-colonel followed that of major immediately; and, till the late regulation, no mention was ever made, or notice taken of it; and as the new regulation was only made on the 20th of March, and the time of his lordship's service would be expired on the 25th, he put it to the house whether it would be consistent with the common principles of equity or justice to withhold that promotion which had been promised at the end of the former regulation, when the new regulation had never been thought of, and which was only made five days before lord Burghersh would otherwise have been entitled to it. Under these circumstances, he hoped and trusted the house would not think it necessary to call for any information on the subject, but would concur with him, that no case had been made out which could justify them to call the prerogative in question, particularly as to commissions in the army.

Earl *Temple* declared, that when he first heard of this promotion in defiance of the existing regulations, he formed a strong opinion upon it; but if he had not been before so decided upon its impropriety, the defence set up by the noble lord on that night, would fully have confirmed his opinion. The noble lord had stated that lord Burghersh's promotion did not stand in the way of the senior captain of the West India regiment, the majority of which the house had no reason to believe was now held by lord Burghersh. If that was the case, and there was no proof to the contrary, he would contend that the promotion of that noble lord to the rank of a lieutenant colonel was an act of double injustice to the whole of the army. It was unjust to the senior captain of the West India regiment, by giving the majority to an officer not qualified by military standing, and as from the brevet rank of lieutenant colonel, lord Burghersh would hold in the Portuguese army the rank of brigadier general, he, of course, would be placed over the heads of all the colonels now serving under sir Arthur Wellesley, in Portugal, in any co-operation of the Portuguese troops with the British. Such a statement fully justified him in saying, that the appointment was an act of double injustice to the army. The noble lord had descanted upon the delicacy of interfering with the royal prerogative, and his speech upon that point consisted of a whole series of truisms. But granting him all that he had stated, it still never could be denied, that in that house there existed a right to interfere whenever an exercise of the prerogative took place to the injustice and injury of the state of the public service. Lord Burghersh obtained his ensigncy in December, 1803, his six years qualification, of course, for the rank of a Field Officer, would not expire until December, 1809. [Lord Castlereagh said across the table, that his appointment was in March, 1803.] Earl Temple resumed, by stating that the Gazette proved the appointment not to have taken place until the succeeding December. Upon this point he was at issue with the noble lord, and in order to ascertain who was right, the house was bound to adopt the proposition of the hon. mover, by calling for the proper documents to be laid before it. The noble lord had talked much of the distinguished services and peculiar merits of lord Burghersh. He was by no means desirous to undervalue them, although he could by no means warrant this act of flagrant injustice against not only many as deserving officers of military experience, but against the whole military service itself. The term used by the noble secretary was, that lord Burghersh was a rising young officer in his profession; rising he certainly would be, whilst he continued to receive such efficient and active assistance from his majesty's ministers. But when he heard so much stress laid upon the services of lord Burghersh, he believed, on inquiry, that he had never performed any regimental service; that, in fact, he had never joined his regiment. It was true that he had volunteered his services on an expedition to the Dardanelles, whilst his regiment was in

Sicily; but it could not be therefore contended, that such a circumstance warranted an act of injustice to many others, equally solicitous to seek service, and who were constantly devoted to the exercise of their regimental duties. The permissions to volunteer were favours conferred upon lord Burghersh, but could not be therefore converted into any claims of his, injurious to the general advancement of the army. It would also be seen, that all his gradations in rank were obtained without purchase. Those, again, were favours conferred, but constituted no claim to the detriment and disadvantage of others. It was under these circumstances that he considered the house bound to persist in calling for the further information sought for by the hon. mover, in order that it might know who advised that act of flagrant injustice.

Lord *Castlereagh*, in explanation, stated that the 24 British officers appointed to serve in the Portuguese army were obliged to give up the commissions they held in this service; and although he could not then say whether the vacancy of lord Burghersh's majority was yet filled up, yet he assured the house that it was impossible for that noble lord to retain it.

Mr. *Hutchinson*, although as strenuous a friend as any in that house to the propriety of conferring military rewards upon all officers who had signally conducted themselves, still declared his opinion, that lord Burghersh's late promotion was an act of gross and crying injustice. The hon. member next adverted to the illustration which the noble lord had attempted to make, by alluding to the case of general Graham, and concluded with a high eulogium upon the truly distinguished services and numerous advantages conferred upon his country by that officer in Italy and in Egypt, in Portugal and Spain.

Lord *Newark* stated his anxiety to give an explicit reason for his vote on the present motion, particularly as he was in the habit of generally supporting the present servants of the crown. He considered that promotion highly improper from the effect it would have in creating great dissatisfaction amongst many very meritorious officers of high character and great experience in the military service, and therefore he should support the motion.

Lord *Henry Petty*, after the able manner in which the motion was supported by his noble and honourable friends who preceded him, was determined not to enlarge upon the general question, but merely to limit his observations to one sentiment of an extraordinary nature, which had on that night been broached by the noble Secretary of State. It was contended with particular emphasis by that noble lord, that every encouragement should be held out, in order to induce into the military service persons of rank and affluence. Such was the great object which he conceived at this time desirable; and what were his encouragements in order to effect that object? The encouragements of the noble lord were these; that to enlist rank into our armies, all the principles which regulated the gradation of military rank were to be violated; and that to obtain men of affluence, commissions were to be given to them without purchase. In conferring the honourable distinctions to which signal merit was entitled, the noble secretary, in place of attending to the concurring testimony of the public voice, would, in his management of public remuneration, confine the encouragements to rank and affluence. In his view of the national interest a system was desirable, which, whilst it drove from our armies the men fit to practise the dangerous duties of the military profession, would give us only rank and affluence to combat with the best disciplined army upon earth. Such a principle he would ever reprobate as the most dangerous aggression ever carried into effect against the security of the state.

Sir *Charles Burrell* said, that he could never subscribe to the doctrine that night maintained, viz. that the interests of the crown and the country were at variance. Thinking the contrary, he was determined to support the motion for investigating the causes of a promotion which, in his opinion, was highly unjust and improper. There could be no similarity between the services of general Graham and lord Burghersh. The former had conferred lasting and admitted benefits upon the country, and particularly in the important information he procured for sir John Moore; whilst he never heard any specific circumstance or place which were either the effect or theatre of the noble lord's exploits.

The *Chancellor of the Exchequer* defended the course of argument pursued by his noble friend (lord Castlereagh), and contended, that six years had expired from the appointment of lord Burghersh to his ensigncy until his promotion to the majority.

A division then took place, when there appeared,

For the motion - - - - - - - - 72
Against it - - - - - - - - - - 67
Majority against Ministers - - —5

[IRISH BUDGET.] The house having resolved itself into a Committee of Ways and Means,

Mr. *Foster*, in the said Committee, stated the annual Ways and Means for Ireland, commonly called the Budget; which were as follow:

WAYS AND MEANS.		£.
Unappropriated Balances		1,739,381
Deduct unfunded Debt.....£.	29,080	
——— Arrear to Howth...	3,814	
——— Navigations	191,793	
		224,687
		1,514,694
Estimated Revenue.....		4,300,000
Loan in Great Britain, 3 millions British	3,250,000	
Ditto in Ireland.....	1,250,000	
		4,500,000
		10,514,694
SUPPLY.		
Quota for Ireland, 6,273,966*l.* British...		6,796,796
Interest and Sinking Fund.....		3,690,404
		10,487,200
Excess of Ways and Means.....		27,494
		10,514,694

Money to be borrowed (Irish) £.4,500,000
Int. and Sinking Fund thereon 264,000
(In 1809 £.212,800)

WAYS AND MEANS.	*Per Ann.*		*In* 1809.
1. Prohibiting Raw Corn in Brewery	£.248,000	hf.-yr.	£.124,000
2. Increase of Duty on strength of Spirits	180,000	2 months	32,500
3. Increase work on Stills	240,000	2 months	60,000
	£.618,000		£.216,500

By this statement, continued the right hon. gent., I do not venture to estimate the Revenue of Ireland at more than four millions and a half, and in addition to which, it will be recollected, that a Loan has been already voted for the service of Ireland, to be raised in Great-Britain, to the amount of three millions British, or about three millions and a quarter Irish; together with one million and a quarter to be raised in Ireland, making in all 4½ millions. The sum therefore that is necessary to be provided is that which will be equal to the payment of the interest on that Loan, which, with the Sinking Fund, will amount to 264,000*l.* or as nearly as can be calculated in a round sum, 212,800*l.* Towards raising that sum, I shall first state a measure that has been already under the consideration of this house, I mean the prohibition of the use of raw corn in breweries, which I estimate will add to the revenue 248,000*l.*; but as it will only operate for one half of the present year, I shall only take it at 124,000*l.* The reason I state it at this particular sum is, that the quantity of malt used has only produced one-fourth of the number of barrels that formerly paid duty, being 504,000 barrels only. We have no certain data to go upon, but we have what will be a good foundation for forming a pretty correct judgment upon it. —Supposing that nothing but hops has been used as an ingredient, I reckon that the whole of the hops in Ireland would produce such a number of barrels as would yield annually 248,000*l.*; but as it can only operate for six months, I estimate the sum arising from this prohibition of the use of raw corn in brewing, at 124,000*l.* The next sum I propose to raise is from an increase of the duty upon the strength of spirits by making an addition in the proportion of one to ten, upon fourteen degrees above the present strength, and this I calculate will produce 130,000*l.* a year; but as it will only operate for two months, I may state it at 32,500*l.* The third mode, by which I mean to raise what is necessary for the payment of the interest of this Loan, is by increasing the quantity of work on licensed Stills, which will produce 240,000*l.* a year. Now, at this last measure, as well as the preceding one, will not operate till about the 5th of November as the present laws enable his majesty then to allow distilleries to commence, I may state the sum likely to be raised in these two months at 60,000*l.* These three sums will produce 216,500*l.* which is about 2,000*l.* above what I will require for the purpose intended. This, I think, can give us no reason to despond. There has been no fall off in the Revenue in regard to stamps, but an increase; no fall off in that arising from the post-office, nor in the assessed taxes, but each have increased.—The only fall off in the Revenue has been in the instance of the Excise Duties, which I attribute to the measure of prohibiting distilleries in Ireland.—That is the cause of the fall, and therefore we are to look to the removal of the prohibition as the only mode to do it away, and make good the

defalcation of the revenue, and I hope it will be removed early next harvest.—The balances due by Collectors, have, by the documents upon the table, been decreased in the course of last year 150,000*l.* They were on the 5th of January 1808, 355,000*l.* on the 5th January 1809, they were only 205,000*l.* and therefore so far from the revenue not being properly attended to, as has been insinuated, it shews that it is pursued with a degree of strictness and energy surpassing any former period.—With regard to the situation of the country, therefore, I do not consider it in any degree worse than before. The value of the imports and exports is greater than ever it has been; never have there been a greater quantity of yards of linen exported than during last year, with the exception of one year, a considerable while ago, when it was equalled. It is satisfactory to know, that while the trade of Ireland is thus increasing, the amount of the revenue has risen much more. Look to the state of our exchange; it has been such as every one must know that money was coming in instead of going out; having been almost for the whole of last year under par. Therefore, taking that circumstance, and applying it to the situation of the country in other particulars, we have reason to believe that Ireland is more affluent than ever she was heretofore. The increase of the debt has been only owing to the circumstances of the empire, for the last two years; and therefore it was thought more prudent to go on raising our quota by a debt, than to have raised it by additional taxes. The whole amount of the debt of Ireland is certainly stupendous, it being already no less than 76 millions of money; and at the end of the present session it will amount to 81 millions—a sum which in former days many thought that Ireland could not have existed under; and yet there is no reason to think it will injure her in her resources in any degree.—I think it but fair it should be known, that great attention has been paid to ameliorate the situation of Ireland, to extend its trade, and to improve its agriculture. By the bounty allowed, there have been 13,600 additional hogsheads of flax-seed brought into Ireland; the utmost endeavours have been used to render her independent as to flax-seed; and lastly, every means have been adopted to add to the agriculture and tillage of Ireland, by draining and improving the bogs. Large grants have been issued for improving that source of cultivation and growth.—Although it is usual, Sir, to say much more upon such occasions as the present, yet, I trust I have said enough to satisfy gentlemen as to the real situation of Ireland; but if any hon. member wishes for further explanation, I shall be ready to go into it as far as I possibly can. Before concluding, however, I may venture to mention the terms upon which the Irish Loan has been contracted. It has been made in the 3½ per cent. stock of Ireland, there being given for every 100*l.*, 120*l.* capital of that stock. The bidding was on the Treasury bills, bearing interest at 5 per cent., the bonus being at the rate of 9*l.* 2*s.* 6*d.* upon every hundred. Although the legal interest of Ireland is 6*l.*, yet this loan has been thus contracted at an interest not exceeding in all 4*l.* 13*s.* 1½*d.*; a circumstance which shewed the affluence of that country, and which should not make us despair. The whole charge of interest and sinking fund did not exceed the sum of 5*l.* 17*s.* 1½*d.* per cent. upon the whole of the debt so incurred. The right hon. gent. then concluded with moving, "That the sum of 1,250,000 Irish currency be raised by way of annuities for the service of Ireland."

Sir *John Newport*—Although Sir, the right hon. gent. has stated that the balances in the hands of the present collectors have decreased considerably within the last year, yet if the orders issued by the duke of Bedford, when lord-lieutenant of Ireland, in 1807, had been enforced, they would not have remained at one quarter part of the amount at which they now appear to be. The fact is, that from the period when that order was issued, the cash balances in the hands of the collectors were reduced to 33,400*l.*; but when matters were committed to the right hon. gentleman opposite, the balances in the stamp department, that of the post office, and those of the deceased and dismissed collectors, were considerably augmented. I have to complain that a balance of 26,900*l.* should have been paid into the hands of the Treasurer of the post-office, as I conceive it to be a direct violation of the orders then issued. By the directions of the duke of Bedford, it was also enjoined, that the gross amount of seizures should be stated in all accounts laid before parliament, for the purpose of ascertaining, not only the amount of those seizures, but the expence of condemnation attending them; but this does not appear to have been complied with. With res-

pect to the taxes which the right hon. gent. proposes, in order to raise the expences of the present year, I must say, he is much more sanguine than I am. Why he conceives that the prohibiting of raw corn in breweries will raise the sum he states, I cannot imagine. As to the increase of the duty on strength of spirits, and the increase of work on stills, I think they will only hold out a larger inducement to illicit distilleries. I hope, however, that his taxes will prove more productive than I can conceive they are likely to be. I have one thing to impress upon the minds of the committee; and that is, that it is perfectly immaterial what portion of gross revenue is to be raised upon the people, and paid to the Treasury, if the expences of the different boards be allowed to go on increasing, as they have done hitherto. The incidental expences of the Board of Excise, in 1806, amounted to 13,000*l.*; in 1807, to 36,400*l.*; and in 1808, to 104,000*l.* of which last sum there was no less than 29,000*l.* paid to one individual for printing and stationary. This is only aggravating the burdens of the people, without raising any additional revenue. The gross product of the stamp duties had increased by 66,000*l.*; but there was a defalcation of no less than 44,000*l.* for increased expences. In the Post-Office too, the expences were upon the increase to such a degree, that one would think the nominal addition to the revenue was rather for the sake of adding to the burdens and creating jobs, than tending to the good of the public. It is lamentable to look at the increase of the funded debt of Ireland. On the 5th of January, 1801, it amounted to 21,300,000*l.* on the 5th of January last, to 76,000,000*l.* and now the right hon. gent. states that it will be next January 81,000,000*l.* The debt has thus increased at the rate of 15 to 4, while the revenue has only increased in the proportion of 15 to 8½. If the debt of Ireland were raised as the debt of England, within the country, I really think that a great part of that debt would be done away.

Mr. *Foster* answered, that he had the satisfaction to state, that the regulations of the Duke of Bedford had been actually followed up. There never was a period when there was so little money left in the hands of the Collectors of Excise for contingencies; and the papers on the table would shew it. As to the post-office accounts, they had never been settled since they were established; and as to the expence of the stationary and printing alluded to, it was occasioned by the division of the two boards, by which a completely new collection of books became necessary. It was natural to suppose it should increase as there were 14 commissioners instead of seven. The new arrangement, as to the post-office, must have also occasioned considerable additions to the incidental expences, but the public would soon be able to reap the benefit of them.

Mr. *Parnell* observed, that when it was said, that the net addition to the revenue by the post-office, was 68,000*l.* he found that the postage of one board amounted to 13,000*l.* and if each board increased their expences in alike proportion, that expence would amount to 39,000*l.* leaving 29,000*l.* to be received by the public. He could not help thinking, that the great principle of the revenue of Ireland was overlooked in the desire of extensive patronage, by the appointment of officers, so as to deprive the Irish Treasury-board of its power, and placing it in the hands of the Secretary of the Lord Lieutenant. He was satisfied that until an alteration in this particular took place, and the Treasury Board of Ireland took an efficient part, or be abolished altogether, and these matters of revenue be put under the Treasury of this country altogether, the abuses would never be remedied.

The Resolutions were then severally put and agreed to.

[IRISH DISTILLERIES REGULATION BILL.] —The house then resolved into a Committee on the Irish Distillery bill;

Mr. *Foster* said, that he proposed to make several amendments to it. Where an inhabitant of a parish informed against a private still, he meant to afford the parish an opportunity of being relieved of the fine, by the parishioner giving the information consenting to acquit the parish of any claim to it. He would still, however, continue the clause for making the fine on the parish 100*l.* for the second offence. As to small stills he thought unlicenced distilleries could only be put down by the establishment of them; and, to encourage them, he proposed that a part of each fine should be given to the owner of them, instead of going to the informers. He would not give up the bounties on large stills, as they were of great service to the agriculture of the country. The illicit trade may easily be put down by the exertions of the country

gentlemen; and if they did not assist in putting it down, it would be necessary for him to propose new modes of obtaining revenue, which would bear extremely hard upon the people of Ireland; it therefore was absolutely necessary to put down this trade, to save the country from taxes of a more general and pressing nature than any which now existed.

Sir *John Newport* said, he would confine what he had to say to an amendment, which he should now propose, for doing away the bounties of 16 and 8 per cent. on large stills of 1500 and 1000 gallons content. When the right hon. gent. tells the country gentleman of Ireland, that the existence of illicit trade is the consequence of a want of exertions on their part, he tells them what is not true, and attaches blame to them where they do not deserve it. The true cause of the illicit trade is, the great bounties on large stills equal to 12*d.* per gallon, which go to crush in the outset all small stills, and render it impossible for any one to work a small still, in competition with the large stills established under these bounties in the sea-port towns; for so long as the person having a large still pays less duty, by 12*d.* per gallon, than a person having a small one, as the expence of carrying a gallon of spirits from one part of the kingdom to another is but 2*d.* the advantage of 10*d.* per gallon will enable the former to undersell the latter at his own door; besides, the person working a large still must, under any circumstances, have great and manifest advantages over the person working the small one, because the expence of working is diminished in proportion to the increased use of the still. Under this system of bounties, it was impossible, therefore, that small stills could be set up; and when the right hon. gent. says, his bill contains a clause to admit of 50 gallon stills being worked, he knows very well that no still of that size, or of any size under 1000 gallon still can be worked, and his clause is only for the purpose of deluding those who are ignorant of the distillery business. In regard to what he has said about encouraging small stills, by giving them a share in the fines, this is also another delusion, which he is endeavouring to practise on the public; for what man could be so great a fool as to set up a small still, knowing that he has to contend against the bounties on the large ones, upon the speculation of being reimbursed in this manner? On the whole, therefore, the right hon. baronet said, it was utterly impossible to calculate upon any other result of the bill of the right hon. gent. than an increased extent of illicit distillation: if the amendment which he proposed was not adopted, what few stills were now in the country under 1000 gallons content would soon be put down by the bounties, the country would neither be able to buy spirits or to sell their grain; and when it was placed under such unnatural circumstances, by the system of the right hon. gent., illicit trade must flourish notwithstanding all the penalties and fines imposed by that system. In fact, even the fines imposed on the county of Cavan, have not put down illicit trade there; he had received a letter from a person of that county of the greatest respectability, who told him this trade never was in a more flourishing state, even in those parishes most heavily fined. He begged that Irish gentlemen would now see, that this system of bounties and of large stills, was the real cause of this illicit trade, and not suffer themselves to be deluded by the language they had heard about the interests of agriculture, and of the revenue. The truth is, that the agriculture of the country is most materially injured by depriving the interior of the country of the advantages of licensed distilleries which would afford to it, what it has not now, except in a small degree, by the unlicensed distilleries, a ready and constant market for their grain; and as to revenue, the commissioners of inquiry proved, that under the existing system, the revenue lost a million and a half a year by the gross frauds of the revenue officers, and the illicit distilleries.

Mr. *Hutchinson* was sorry that he could not agree with the right hon. baronet. The object which he conceived the legislature to have in view was, to promote the agricultural interests of Ireland. Bounties, by promoting trade, would contribute to that object, so that the hon. baronet's amendment going to take away the inducement of bounties, could not, in his opinion, be advantageous.

Colonel *Barry* said, that if the clause to which the right hon. baronet objected would have the effect of suppressing the small stills, he would vote against it: no such consequence, however, in his opinion, could result. In many of the interior parts of Ireland, the only fuel they had for their stills was turf: some distinction,

therefore, ought to be drawn between such parts and the sea-port towns, where coals could conveniently be procured. When the committee came to consider that part of the subject, in which he could best introduce a clause to such effect, it was his intention to do so.

Mr. *J. Latouche* said he agreed with the right hon. the Chancellor of the Exchequer for Ireland, that it was of the greatest importance to have small stills established in the country parts of Ireland, and he would therefore give his support to the amendment of the right honourable baronet, as it was the plain, direct, and he thought the only way of carrying the object into effect of putting an end to illicit distillation. To enable smaller stills to work was an object not only of importance but of necessity, for in consequence of the demand for corn arising from distillation, many tracts of country had been brought into cultivation, and if illegal stills should be put down, and none others established, that demand for corn would cease, and a check would be given to the increased and increasing cultivation of land, and perhaps these lands already reclaimed would be suffered to relapse to their former state of waste. He agreed perfectly with the right hon. gentleman, that from a variety of causes, no large stills of 1,000 or 1,500 gallons would ever be established in the country parts; but he could not agree with him in thinking, that if the amendment proposed was rejected, and if the bounties of 8*l.* and 16*l.* per cent. were to remain in favour of the large stills, that the smaller ones would ever be able to meet them in the market.—16*l.* per cent. bounty was an advantage which no trade could bear, and the fact has already been ascertained, that it was not to be contended against, for when even the bounty of 8*l.* per cent. was taken off the 500 gallon stills, and given to those of 1,000 gallons, the consequence was, that a number of 500 gallon stills were driven out of the trade. Now if 8*l.* per cent. could not be contended against, how could any man think that 16*l.* per cent. could be opposed; but it should also be observed that the owners of small stills in their working, are under disadvantages which add to the expence of manufacture in the spirit, to which those who work larger ones are not liable; these disadvantages amount to nearly 7*d.* per gallon, which if you will add to the 12*d.* per gallon bounty, the spirit coming from the smaller still has to contend against an advantage which that from the larger one has of 1*s.* & 7*d.* per gallon; it is impossible, under these circumstances, that the object of the bill without the amendment of his right hon. friend, could be carried into effect, but the committee were called upon by a sense of justice, as well as of interest, to support the amendment; for whenever it became necessary to enact severe laws against the commission of any breach of the law, as in this instance, so severe, that the innocent suffered as well as the guilty, it became the duty of the house, if any system would prevent the commission of the crime, to adopt that system; and the surest and best method of preventing this breach of the laws, was to take away the temptation of committing it, or at least the inducement which the farmers of the country at this moment have to connive at it: they are aware at this moment that the price they get for their corn arises from distillation, in the absence of legal stills; they see, or at least think they see, an advantage in illegal distillation; but if you enable the smaller stills to be set up, they will then have no inducement to connive at these practices, against which we have enacted such a severe law. On these grounds he supported the amendment, as he was convinced, that, without the amendment, the object of the bill could never be carried into effect.

Mr. *Bernard* stated, that in withdrawing his motion on the principle of the bill the other night, he did so only with a hope that the objects he had would be met in the committee, and not from being perfectly satisfied that if the bill passed into a law in its present shape, it must prove insufficient and most injurious, not only to the agricultural interests of Ireland, but to the revenue; we already had some proof of it, for by the right hon. gentleman's bill of last year, stills so small as 200 gallons were allowed to work; he could bring evidence to the bar of the house, of men of experience, now in London, that had given both 200 and 500 gallon stills a fair trial, and who really were anxious to carry on the business in Ireland in that way, and who would declare that it was impossible to carry it on, while so great an advantage as 8 and 16 per cent. was allowed to large stills; it was therefore utterly nugatory in the extreme to talk of allowing small stills to work on such terms, the consequence must be, that illicit stills will be substituted, or the farmer will be

deprived of a market for his corn. The right hon. gentleman boasted that his system had raised the revenue considerably within these few years, but did not state how much that rise was increased by a rise of nearly double on malt and spirits; neither did he state how much his system had increased the illicit trade; nor did he mention that by his system 100,000*l.* were allowed in drawbacks and bounties, which otherwise should have come to the credit of the revenue; he contended for it, that the system of licence has been proved by many years trial in Scotland, to answer the great objects of assisting agriculture, and adding to the revenue; for that in no country had both increased so much since that system was adopted: he would prove that a 500 gallon still pays 1*l.* 9*s.* per gallon on its content weekly; whereas a 1,500 still only pays 19*s.*; so that there was a loss of 10*s.* per gallon on its content, weekly, to the revenue, by this system of the right hon. gent.; and as to putting down the illicit trade, he contended for it that a licensed distiller must prohibit an unlicensed distiller from working, for that on considering the risk of seizure and penalties, the great deficiency of produce, and considerable waste attendant on the hurry and confusion of a private still, it must be evident that the licensed distiller must have a considerable advantage over unlicensed ones, and would, if sufficiently encouraged to work, on fair terms, drive the unlicensed still out of the market. For these and other reasons he contended for it, that it was utterly useless to talk of allowing small stills to work, without taking off the bounty allowed to large ones.

Mr. *Dennis Browne* said, that he held the opinion of his right hon. friend the Chancellor of the Irish Exchequer in such high veneration, that he was always ready to believe whatever he said was right, would prove to be so. He had always proved himself to be a great friend to the interests and welfare of Ireland, and he would not desert him in this instance. He said that disloyalty and illicit distillery went hand in hand over the kingdom, and that till illicit distillery was put down, disloyalty would increase. The best mode to put it down was to increase the fines, and to punish all those with severity who broke the laws: in his county the exertions of the gentlemen had proved effectual, and he knew of no illicit distillery; he had great veneration for existing establishments, and for that reason would not suddenly adopt so great an alteration as that proposed by the right hon. baronet.

Mr. *French* said he was surprized to hear the hon. member say that there was no illicit distillery in the county Mayo; he lived within a few miles of that county, and had himself assisted in seizing several illicit stills last year, and he knew the trade was now very flourishing in that quarter. If the hon. member means that there is no illicit trade near Westport, he could understand him, because there was no corn there. There were nothing there but those sort of inaccessible mountains which the hon. member talked of lately as being of such great value in the county of Cavan, for scites on which to establish illegal stills.—As to the amendment of the right hon. baronet, he should certainly vote for it, and nothing could be so clear as that it would be impracticable for any one to set up a small still in the face of these bounties.

Mr. *May* said he was a friend to the system of bounties, as he was to all long established systems; that he disliked all speculative plans, and new fangled inventions. The large stills were productive of great revenue, and had advanced the agricultural interests of the country to their present flourishing condition; for it was in those districts where they were established that the tillage of Ireland was most flourishing.

Mr. *Parnell* said he could not permit this question to go to a vote without expressing his sentiments upon it. It appeared to him that the right hon. gent. was attempting to practise upon the house the greatest delusion that ever was heard of. He says that he is a friend to the system of small stills; that it is only by establishing small stills, that the illicit trade can be put down, and in the face of these admissions, he calls upon the house to continue bounties on large stills, which give the persons who work them an advantage of 12*d.* per gallon over the persons who work small stills. The right hon. gent. must know when he holds out to the country a remedy for illicit trade by admitting small stills to work, he is taking effectual measures to prevent any person from attempting to work one; and therefore, sir, his clause to admit them to be licensed is a mere delusion, and can have no practical benefit to the public. There are now several Irish distillers in London; he had spoken to some of them on the subject, and their uni-

form answer to his enquiry was, that no one could set up a small still without a certainty of ruin in the face of these bounties. He wished very much to hear the opinion of the Chancellor of the Exchequer for England on this point. No one ought to be more capable of giving one; he wished to be set right by him if he was wrong, and he was ready to alter the opinion he had formed if he could shew him that it was erroneous. In a matter of so much importance to Ireland, and particularly to the financial condition of Ireland, he could not suppose the right hon. gent. would be silent, and that where so many Irish members thought the bounties ought to be discontinued, and where the question was whether or not the great defalcation of revenue from spirits was or was not to continue, he hoped that he would either vote with them, and shew to the committee that he had good reasons for voting with his right hon. friend. As to what the hon. member who spoke last had said in respect to the advantage of large stills to the tillage of Ireland, he must deny his position altogether; the measure of the right hon. bart. near him giving Ireland a free trade in grain to England, was the cause of the present flourishing state of the tillage of Ireland; besides in point of fact, there were no distilleries in those parts of Ireland where tillage flourished the most; at Waterford, Clonmel, and the county of Kilkenny. The truth is, that these large stills are injurious to the agricultural interests of Ireland. They can only be worked in sea port towns, where coals can be had, and by persons of large capital, and therefore the whole interior of the country is to be deprived of the demand for grain which distilleries would give if they were and could be established in the interior, the reasoning, therefore of those who maintained that these bounties, and that large stills were beneficial to Ireland, was of the falsest kind, as must be evident to every person who possessed the slightest information upon the subject.—The hon. member had called the plan of establishing small stills a new-fangled speculation. He begged to tell him that it had the authority of the Commissioners of Enquiry, and was even admitted to be a good plan by the right hon. gent. whose cause he professed to advocate. He should certainly vote for the amendment of his right hon. friend.

Sir *J. Newport* agreed that in the greatest tillage counties there were no such things as great stills; it therefore was not fair to attribute to them the prosperity of such counties.

Mr. *O'Hara* supported the Amendment.

The house divided, when there appeared—

Ayes - - - - - - - - - -	21
Noes - - - - - - - - - -	78

Majority against the Amendment—57

On being re-admitted, we found Mr. French on his legs, speaking to an amendment which had been proposed while strangers were excluded, to prevent parishes from having double fines imposed upon them. He stated that the bill, with all its provisions, had none to punish officers who acted fraudulently. He disapproved of that clause which provided, that if a still, or any part of a still, was found in a parish, the whole parish should be fined. If they wished to quiet Ireland, they should permit her to enjoy the rewards of her industry.

Mr. *Magens* contended, that it was impossible to take away the power of fining, without doing an injury to the country. There were instances of town lands being fined three times over for the same still. The informer should be rewarded, otherwise no discovery would be made.

Mr. *Foster* said, that there was a law already, by which the misconduct of officers was severely punished, which rendered it unnecessary to introduce any clause to that effect into the bill. The fact was, the revenue was injured by illicit distilleries, and the morals of the people corrupted. They were arrived at such a pitch as to require severe enactments. If gentlemen did not exert themselves to put them down, the severity of the law would not be the fault; their own conduct alone would be liable to the charge of having given them encouragement.

Colonel *Barry* said that the proposition was to fine the vicinity where any materials used in a distillery were discovered. He was not against fining a guilty individual, when he could be found; but it was not fit that any gentleman should be fined for offences committed while he was doing his duty in that house. That the law to prevent collusion between officers of excise and illicit distillers was not enforced, was sufficiently proved by the circumstance of 375 applications having been made to fine the county of Cavan, at the quarter sessions, for illicit stills, while not one prosecution was instituted for a misdemeanor to punish collusion.

Mr. *D. Browne* thought the proposed clause feasible; but did not approve of the manner in which it was supported.

Sir *J. Newport* said, that he believed the right hon. gent. (Mr. Foster) was mistaken as to the punishment of officers for collusion. The existing laws went to punish them by a fine of 10*l.* or to render them incapable of retaining their office. The fines proposed upon the parishes amounted to 50*l.* while the fine for the officer, if guilty of collusion, was only 10*l.* which should be 50*l.* at least; otherwise fines would be levied on parishes, and officers screened. The fines levied upon the county of Cavan were so great, that it would be impossible to levy them, and he confessed he was very much shaken in opinion, as to the efficacy of fines; instead of having the proposed effect in that county, illicit distilleries had increased. He thought the system of fines ought to be taken into the consideration of the house as early in the next session as circumstances would admit.

The *Chancellor of the Exchequer* said, that where collusion was practised by officers, he thought an immediate remedy should be sought; and that there was no occasion to put it off till next session. He should have little hesitation in proposing, that officers so offending, should be subject to double the penalty of town lands; the half of which should go to the informer, and the other half to be appropriated to some other purpose.

For the Amendment - - - - -	32
Against it - - - - - - - - -	50
Majority - - - - - - - - -	18

HOUSE OF LORDS.

Thursday, May 25.

[KING'S MESSAGE RELATING TO AUSTRIA, &c.] The Earl of *Liverpool* presented a Message from his majesty relative to the proposed subsidies to Austria, Spain, and Portugal [for which see the proceedings of the House of Commons], and moved that it be taken into consideration to-morrow, and that the lords be summoned.

Earl *Grey* rose, and made a few remarks on the subject of the Message. As he was quite unacquainted with the intentions of ministers relative to the application of the pecuniary aid, he could only offer general observations. It was impossible for him to know what were the peculiar circumstances of the case, and how far they might be such as to justify subsidies. But thus much he felt himself entitled to say on the subject, that after the recent experience that had been afforded us with respect to our pecuniary assistance to foreign nations, and after viewing what the state of Europe now was, and the probability of what might speedily happen, he thought that the first duty of the ministers of this country, was the preserving and husbanding our resources, to meet the possible emergency in which we might be soon called upon to make still greater efforts than we had hitherto done; not to assist other nations, but solely in our own national defence. Indeed, if it should ever be possible to obtain peace, we should yet have to assume that defensive attitude which would leave our peace without the best enjoyments, blessings, and securities of a peace; and we therefore were called upon, whether for peace or for war, to exercise care and economy respecting our financial resources. This observation he applied either to the case of Austria, or to the future wants of Spain or Portugal. He would not attempt to give any decided opinion upon the subject at present, but he could not avoid stating his general opinion respecting our readiness to subsidize foreign powers at this period, after the experience we had so unfortunately had.

The Earl of *Liverpool* rose to explain to the noble lord that there was no mention in the Message of his majesty that the Treaty with Austria was a treaty of subsidy. In fact, it was not so. There was no such thing in the treaty. The Message also stated, that when the ratifications were exchanged, then the treaty would be laid before their lordships. Previous to that period, it could not be done. All that government meant to propose to parliament, in consequence of what had been said in the Message respecting pecuniary aid, was merely to ask a Vote of Credit, which was common before the session of parliament closed, to enable government to act as new circumstances might render it necessary before it re-assembled. The whole extent of the sum intended to be asked was three millions; a sum which, all things considered, his lordship thought could not be regarded as extraordinary. Under the present circumstances of Europe, he thought that if ever government might require confidence, it was when they asked for such a vote of credit.

The Earl of *Suffolk*, though he would not oppose the vote of credit, could not

but consider that whatever subsidies might be granted, would ultimately fall a burthen upon the people of this country.

The motion was then put and carried, *nem. dis.*

[AMERICA]. Lord *Sidmouth* wished to be informed whether it was intended to make any communication to parliament respecting the state of our relations with America?

Earl *Bathurst* said, the negociation being still pending, it was not intended to make any communication to parliament. The arrangement which had been entered into by his majesty's ministers, in America and the government of the United States was unauthorized, the former having made concessions without demanding any of those conditions, the compliance with which ought to have been made the basis of granting such concessions.

Lord *Sidmouth* asked, if he was then to consider the arrangement made by his majesty's minister in America as wholly unauthorized?

Earl *Bathurst* answered in the affirmative.

Earl *Grey* thought from the expression used by the noble earl, that some instructions had been given to Mr. Erskine to make certain concessions, which the latter might have misunderstood. From the arrangements as published in the newspapers, it seemed as if the measures adopted had been preconcerted, for every thing followed in such order and rule, that it was almost impossible to believe but what Mr. Erskine, of whose ability he had the highest opinion, conceived that he was acting strictly according to his instructions. It must be evident, that by the disavowal of this arrangement, the difficulties in the further negociation with America would be materially increased, and when known in America, it might give rise to some imputations against the character and good faith of this country, under the impression that a trick had been resorted to, for the sake of obtaining a little temporary advantage for ourselves. A fearful responsibility, therefore, rested upon ministers, and investigation must take place.

The Earl of *Liverpool* agreed that the disavowal of this arrangement must necessarily increase the difficulties in the negociation with America; but that could not be imputed to ministers, as in making that arrangement, Mr. Erskine had not only acted unauthorised by his instructions, but in direct contradiction to his instructions; he thought it necessary to state this distinctly, as the noble earl appeared to have misunderstood his noble friend. Care would be taken in the Order, which would appear as soon as the course of business would allow, that those vessels which, in the mean time, had sailed in consequence of the confidence reposed in the arrangement made in America, should be excluded from the operation of that Order, and that these persons who had thus embarked their goods should not be losers. As to the discussion of the subject, ministers would be anxious, when the proper time arrived, that every possible information should be given to parliament.

[ARMY REGULATIONS.—LORD BURGHERSH.] The Earl of *Suffolk* rose to notice an affair of recent occurrence, particularly as he saw a noble lord present (the earl of Westmoreland), who, he supposed, could give him satisfactory information on the subject, which related to the interests of the military profession, to which he himself had the honour to belong. He alluded to the case of the promotion of lord Burghersh, contrary to the Regulations of the Commander in Chief of the army. He could not help thinking that the duke of York would not have permitted such a promotion. He had before stated, that the army was in many respects under obligations to his royal highness, and particularly for this regulation. His lordship was proceeding to make some observations on the impropriety of a person's being in the situation of Commander in Chief, who was controulable always by ministers, when he was called to order. His lordship making a few more remarks, the earl of Liverpool rose to order, and observed that no motion was before the house.

Earl *Stanhope* remarked, that lord Suffolk had not yet sat down.

Lord *Suffolk* proceeded, and stated, that if he could get no answer, he should, on a future day, move for a copy of the orders of the commander in chief, as well as for the particulars of the promotion of lord Burghersh, as he was sure that such proceeding must be highly injurious to the feelings of the officers of the army in general.

Nothing further was said, and his lordship did not fix any day for bringing forward a motion.

HOUSE OF COMMONS.

Thursday, May 25.

[INSOLVENT DEBTOR'S BILL.] Sir *Thomas Turton* presented, pursuant to leave given, a bill for the relief of Insolvent Debtors in England. The hon. baronet expatiated at some length upon the necessity for this bill, in the miseries long sustained, and still suffered, by the unfortunate persons for whose relief it was intended. The prisons in every part of the kingdom were crowded by those unfortunate persons, in the aggregate proportion of five to three, compared to the number of prisoners for debt at the passing of the last insolvent bill. The prisons of the metropolis especially were crowded almost beyond example; in so much, that in one prison there were no less than thirteen persons crowded into a room, only fifteen feet by sixteen square, and in no room of that prison were there less than three at this hot season of the year; so that, in fact, the passing of such a bill was not only a measure of humanity and justice, but of sound policy. The bill was, as nearly as was consistent with its objects, a transcript of the last insolvent bill. He was aware it was at best but a temporary and palliative measure towards alleviating that system of misery and oppression which had so long subsisted under our statute law, namely imprisonment for debt, which was a disgrace to our civil code, and ought to be abolished altogether; a consummation, he hoped, ere long, to see effected. The principal difference in the present bill from the last was, to extend the limitation of debt, up to which prisoners were to be relieved, from 1500*l.* to 2000*l.* and to allow the prisoner surrendering his property to obtain his liberation, to retain 10*l.* instead of 5*l.* and furniture and working tools to the amount of 40*l.* instead of 30*l.* with some minor regulations in favour of persons committed by courts of conscience; and he trusted to the humanity and benevolence of the legislature, for the adoption of a measure which was to rescue so many hundreds of unfortunate and meritorious men from a rigorous imprisonment, which could answer no other end than to gratify the vindictive spirit of persecuting creditors; and thereby restore them to society, and to the means of industry for the support of their families; for the bill did not propose to relieve any fraudulent debtor.

The bill was read the first time.

[KING'S MESSAGE RESPECTING A VOTE OF CREDIT.] Mr. Secretary Canning delivered to the house the following Message from his majesty:

"George *R.*

"The king thinks it proper to acquaint the house of commons, that the ancient relations of good understanding and friendship between his majesty and the emperor of Austria have been happily restored, and have been confirmed by a Treaty, of which, when the ratification shall have been exchanged, his majesty will direct a copy to be communicated to the house of commons.—Although the provisions of this Treaty do not include any stipulation for pecuniary assistance, his majesty is, nevertheless, desirous of being able to afford to his imperial majesty such assistance of that description as may be called for by the circumstances of the contest in which his majesty is engaged against the common enemy, and as can be furnished by his majesty, consistently with the other extended demands upon the resources of his majesty's dominions.—His majesty is equally desirous of continuing to the Spanish cause such succours as may be requisite for sustaining and assisting the efforts of that nation, against the tyranny and usurpation of France, as well as of giving consistency and effect to the exertions of the people of Portugal, for the defence of their lawful government and national independence.—His majesty relies upon the zeal and public spirit of his faithful commons, to enable his majesty to provide for these great objects, and to take such other measures as the exigency of affairs may require." "G. *R.*"

Ordered, that his majesty's Message be referred to the committee of supply to-morrow.

[MR. PALMER'S CLAIMS.] Major *Palmer* rose to make his promised motion and observed, that as the circumstances of Mr. Palmer's case must be so well known to the house, he should not take up their time by entering into a detail upon that subject; in consequence of being disappointed in the expectations he had formed from the votes of the house last session, as to the final decisions of his claims before parliament, Mr. Palmer had now resorted to what appeared to be the only method of obtaining that justice, to which, in common with every other subject of this kingdom, he conceived himself entitled. Previous to submitting the present motion, his first object had been to ascertain that it

was regular in point of form, and then how far it was liable to objections, to which every question was more or less open; with respect to the one, sanctioned by authority from the chair, he could have no doubt there; and upon the other point, as far as he could flatter himself, from the general sentiments he had heard expressed, even by those whose opinions were unfavourable to the claims, he had little to apprehend; he confessed he had heard some objections, or rather what had been suggested to him as likely to be stated as such. It might be argued that there was no precedent for adopting such a motion. —The mere argument of there being no precedent could not, he thought, be dwelt on; for by the same rule, no precedent would ever have been established in the house, in the first instance, for want of a precedent to authorise it; but there were many precedents, where government had not availed themselves of their exemption from a legal process, but had allowed individuals, with whom they were at issue, to bring their cause into a court of law, and had abided by the decision. The only difference between these cases and Mr. Palmer's was, that the latter had already been taken into consideration by parliament: had it decided against the claims, it might have been objected to allow the cause to be tried again in an inferior court; but one or two assertions must be admitted, either that the cause has been decided upon in Mr. Palmer's favour, or that it has not been decided upon at all. If in his favour, it was for parliament to carry such decision into effect; if not decided upon, Mr. Palmer's case was in the same situation as others, with the additional plea, that he had absolutely no other appeal left. Yet it might be contended, that these cases were not in point, in as much as government had there used their own discretion, and the reference to a court of law had been optional on their part; but that in Mr. Palmer's case, they had not consented, and the motion would compel them to that, which, by law, they were not bound to. This he admitted; but surely if in some instances government dispensed with their privilege, and allowed actions to be brought against them, it was competent for the house to recommend it in others. But he contended, that government were not justified in refusing it in any instance; the intention of the law was simply to protect public officers from being personally responsible for public contracts; it never meant that the individuals with whom they contracted should be oppressed; and was it not contrary to every principle of justice, that the reference to a court of law, should be at the option of one party, whose only motive in refusal must be the fear of being compelled to do justice to the other? Not only was it an injustice to the individual, but an injury to the country. In the case of Wilkinson against the Commissioners of the Navy, when the defendants pleaded their exemption from legal process, lord Mansfield declared that nothing could be more dangerous to the public interests than such a plea; for if once the precedent was to be established, no persons would be found to make contracts with government, with so little security for their fulfilment. Perhaps it might be urged, as it was to Mr. Palmer, by his counsel, that though no action could be brought against public officers, the complainant might appeal to parliament. Had Mr. Palmer brought forward such a motion as the present one, in the first instance, such an objection would probably have been raised; but Mr. Palmer had appealed to parliament; and it was because he could obtain no verdict, there, that he now appealed to the law. Had parliament decided against him, it would have been a hard case, considering the influence of that party with whom he was at issue; but without dwelling upon circumstances, which he wished to forget, and admitting that the claims had been alike fairly discussed in both houses, and that they differed in opinion, was not the plan to be pursued that which would have been adopted in any other case, where two judges disagree in the adjustment of a dispute, to call in a third to decide betwixt them? It had been suggested by some who voted in the last session against the withdrawing from the appropriation act the sum voted by this house to Mr. Palmer, that the most proper mode, and the one best suited to the dignity and privileges of that house, would be, to move an address to his majesty to pay the money, and that the house would make good the same; but, however proper such a motion, it might probably create that difference betwixt the two houses, which the present one was calculated to prevent. At all events it must be less objectionable than former motions, which the house had acceded to. In the session before last, on the Bill for preventing the granting of reversions being rejected

by the lords, this house moved an address, not to grant them for a certain time; which address was a direct contradiction to the sentiments of the other branch of the legislature. But the present motion could not, he thought, be so interpreted; and he only hoped it might not be objected to, on the ground of being too conciliatory. He had anticipated all the arguments he was aware of against the motion; but whatever inconveniences might be suggested, as the *onus* of bringing it forward, rested not with Mr. Palmer, but those who might obviate its necessity by granting the object it professed, he trusted the house would not suffer such objection to prevent their coming to a resolution, which the peculiar circumstances of the case demanded; at any rate, he presumed, that no evil, anticipated from the motion, could be so great as the injury that would be done to the honour of the house, by refusing to an individual, whose public services stood acknowledged, and who complained of an injustice, that appeal to the laws of his country, which had ever been considered as the birthright of a subject of these realms.—Lastly, he had to observe, that it was a maxim of the constitution, that there could be no wrong without its remedy, and that one of the greatest benefits of parliament was the power of enacting new laws, as the existing ones were found inefficient; here was a wrong, and he appealed with confidence to the justice and the liberality of the house to grant the remedy. What line of conduct would be adopted by the right hon. gent. (the Chancellor of the Exchequer) he was unable to state; he could only say, that he had brought forward that motion, which he conceived most likely to meet his approbation, and he sincerely hoped his acquiescence would spare him the regret of saying one word more to the house on the subject; wherein he trusted they would at least acquit him of having so often intentionally troubled them. The hon. gent. concluded with moving.—"That an humble Address be presented to his majesty, praying, that he will be pleased to allow the Agreements entered into by John Palmer, esq. relative to Improvements in the Post office, to be investigated before a Jury, and that the Receiver-General of the Post-Office should be instructed to defend the same."

The *Chancellor of the Exchequer* was of opinion, that it would be impossible to frame such an Address upon the present subject as would accomplish the object of the honourable mover; in the first place, no legal agreement had been entered into with Mr. Palmer, and how could the law take cognizance of that which could not be substantiated in the first instance? It was proposed by the honourable mover to bring the action against the Receiver General of the Post office; that gentleman he submitted, had nothing whatever to do with the alledged Agreement, and who could prevent his disclaiming all concern with it? It was impossible that any court of law could proceed in a cause which was wanting in the proper and usual forms; and under these circumstances if Mr. Palmer were permitted to bring his action, he must of course be nonsuited.—He objected against the Address for two reasons; in the first place, it would go to establish a very dangerous precedent, and in the next place, the Address itself could answer no purpose; it appeared that Mr. Palmer was appointed to an office, embracing such and such advantages to be held during pleasure: from this situation Mr. Palmer was dismissed for misconduct; now, he contended that even though the office held by Mr. Palmer, had been granted him for life, a *scire facias* could have been moved upon the same ground as that which was the cause of his dismissal; and, surely, under those circumstances it would be very unadviseable to press the present measure. At any rate, he recommended the honourable mover not to take the house by surprise. Such an Address as the one proposed, required mature consideration, inasmuch as it was wholly unprecedented, and time should be given, that gentlemen might be thoroughly aware as to what they decided upon.

Mr. *W. Adam* said, that the motion did not go to direct an issue; it only went to the removal of an impediment; this was a contract entered into with his majesty's government, and his majesty was addressed to prevent the person against whom the action was to be brought, from pleading the nonliability of the public officer, unless this was done, Mr. Palmer would be nonsuited, without the merits of the case being at all entered into.—With regard to the proceedings of a court of law, that had nothing to do with the question; if the motion was agreed to, and Mr. Pal-

mer did not get redress, at least he would have had his request complied with; which appeared to him to be founded in equity. He conceived the motion was not exactly worded as it should have been, and he proposed as an Amendment, that there should be substituted for the words "investigated before a jury," "inquired into by an action at law, or by a suit in equity."

Mr. *Stephen* was of opinion, that it would be unbecoming the dignity of the house if they were to address his majesty upon the subject, unless the affair could be regularly entered into in a court of law; it appeared that this could not be done, even if the impediments complained of were removed. Mr. Palmer, it was supposed, had forfeited all pretence to a claim of right, by his own misfeasence; taking the case as such, the address itself if agreed to, would become a mere nullity.—He conceived Mr. Palmer's best claim would be upon the liberality of the house; however he professed if it could be made out that the case was capable of being received, and decided upon in the courts, he should be ready to give it all the support it should seem to deserve.

Sir *T. Turton* observed, that the simple question was, whether an agreement entered into between Mr. Pitt and Mr. Palmer should be abided by? It was monstrous to suppose, that a bargain which would bind an individual, should not be held equally sacred in respect to the government of the country. It was true that the agreement was only a verbal one with the ministers, but if that would not hold good, he for his part would much sooner take the note of a common swindler in the street. 'A tangible shape' had lately become a fashionable phrase, and all that was asked upon the present occasion was to put this agreement into one.—It was argued, that the Receiver General was an improper person to bring the action against, because he was not a party in the agreement; the fact was, Mr. Pitt, who absolutely made the agreement, being deceased, the Receiver General was selected as the person to whom the revenue was paid, and consequently the fittest person to sue on the occasion. The action was in fact, against the public purse, and against that particular branch of the revenue which Mr. Palmer had created, and out of which he had been faithfully promised his hard-earned reward. He should certainly support the motion, although he should have preferred one, addressing his majesty to direct his ministers to pay the money, which had been voted by the house as due to Mr. Palmer. The hon. gent. who spoke last had mentioned, liberality; what was asked for by Mr. Palmer was simply justice; and he trusted the house would take care to dispense it.

Mr. *Rose* professed himself willing to allow the general merits of Mr. Palmer as to the invention and execution of his plan, and the benefits he had rendered the country; but in respect to the agreements, it was to be remembered that the advantages enjoyed by Mr. Palmer in right of the situation he held, supposed a strict and faithful discharge of the duties attached to it; so far, however, from these promises being complied with by Mr. Palmer, it appeared he had acted in the most improper manner by his superiors in office; that he had endeavoured to throw the different arrangements into confusion, by encouraging the subordinate clerks to quarrel with each other; and that he had connived at frauds in the department he presided over. Under these circumstances, he conceived Mr. Palmer had partly forfeited the advantages he held. Of this he was certain from eighteen years experience, that Mr. Pitt in settling the 3,000*l.* per ann. on Mr. Palmer conceived he had gone to the extent of what Mr. Palmer was entitled to. He had however no objection to the affair being investigated in a court of law, if it could be brought about; but he did not perceive how it was to be received, and decided upon in that way.

Mr. *Fuller* was of opinion, that nothing could be more fair than the modes of proceedure proposed by the hon. gent. who brought forward the motion. The question as to Mr. Palmer's claim had been frequently discussed in that house, and decided upon by large majorities, and as he could not avail himself of these decisions he was willing to remove his cause into another court. In respect to the impossibility of bringing it before a Jury in a tangible shape, that would be proved when it was brought into court; at any rate, after all that had past, it would be only consistent in the house to remove all impediments as far as in them lay.

The *Solicitor General* conceived, that as there appeared to be a difference of opinion as to the wording the address between those who supported it, this circumstance should induce them to lay the proposition on the table for further consideration, in

order to prevent risking the adoption of a precedent, which might be dangerous in its consequences, and excited others who were discontented with bargains entered into with government, to try what perseverance for years, and solicitation of friends could effect in that house, [here the learned gent. was called to order.] It was proposed that the Receiver General should be directed to defend the action, without availing himself of the strength his situation furnished him with. Was the learned gent. (Mr. Adam) prepared to say, that this expedient would answer the ends proposed? He thought that although it might be adopted, still a court of justice could not but perceive how the fact really was, and the consequence would be that a nonsuit would necessarily follow. He for one would never consent to the prosecuting any claim against the crown except in a legitimate way, be the individual merits what they might. If there was any remedy in law, resort to it; if, on the other hand, the redress lay in equity, use it; but if relief were not to be found in either, the case ought to be left as it was, for no infringement should take place in established usages.

Mr. *Windham* thought the house bound to enforce by agreeing to the motion, that justice they had already admitted by their former votes upon the subject. The crown was not called on to abandon its prerogative, but merely to forbear in this instance; a forbearance neither unusual or unfrequent, and this was all that was asked, namely, that if that house would not enforce its own decisions, to let the cause go before another tribunal. He could see no danger to the prerogative by agreeing to the motion, but much to the dignity of that house by refusing it.

Sir *S. Romilly* said, that all Mr. Palmer wished for was, that the Receiver General should be desired to defend the action, which he intended to bring against government, for the breach of contract entered into; and all the house was asked to do, was to admit the case to be brought forward fairly in a court of law or equity. How, he would ask, was the dignity, the character, or the honour of that house to be compromised by its directing such a cause to be tried, even although the claimant did not succeed? It had been said by a right hon. gent. opposite, that the courts were open to every one, and that there was a legal remedy for every thing of this nature; but he had always understood that any person entering into a contract with any of the public boards, such as the Navy board, Transport, or Victualling boards, and being afterwards dissatisfied with the fulfilment of it, found himself absolutely without a remedy, owing to the nonliability of the public officer; which could never happen if a contract was agreed upon by two persons, neither of whom were connected with government. The only question therefore, was, to remove the technical difficulties that existed and stood in the way of a legal prosecution of Mr. Palmer's claim.

Major *Palmer* rose again, and apologized to the house for what might appear to be unnecessarily taking up their time; but as gentlemen on the other side had not confined themselves to the expediency of the present motion, and still denied the justice of those claims which had been repeatedly acknowledged by the house; he hoped to be excused in once more replying to the various misrepresentations which had been made since he first had the honour of addressing them upon the subject. He could not help complaining, that so many gentlemen should have formed their opinions without really understanding the case. They seemed to consider Mr. Palmer in the light of any other subordinate officer in a public department, and as such to have justly incurred his dismissal. If they would be content with this, and not insist that the forfeiture of his office included his agreement for the percentage in the encreased revenue, which in justice and common sense must be considered as distinct; having on his part upon a former occasion, in order to conciliate as much as possible the general feeling of the house, given up the salary, to which the whole of the committee with the exception of only one hon member, a strenuous advocate for the rest of the claim, had declared Mr. Palmer to be entitled to; he should not now say a word on the subject, but as the forfeiture of both had been insisted on, it became necessary to defend both. Considering Mr. Palmer as a mere subordinate officer, whatever opinion he might have had of his own merits or the demerits of the Postmaster general, having the authority they were justified in dismissing him. But the hon. member hoped to place Mr. Palmer's conduct and situation in a very different point of view, and from the sentiments he had lately heard expressed on all sides the house, he trusted the attempt would not be

in vain. He begged the house to consider that when Mr. Palmer first made his proposals to government, he was not a needy adventurer, but in those circumstances wherein a moderate degree of attention to his own affairs, might have insured that ample fortune to his family which so many others had acquired. Under such circumstances then, it was not to be supposed that he would have abandoned a certainty for an uncertainty, or have made an agreement with the government, of which he could entertain the slightest doubt of the performance on their part when he had completed his own. What then was the agreement in the first instance? why that Mr. Palmer was to have two and a-half per cent, on the future encreased revenue of the post office, in consequence of his plan, if it succeeded, but not a shilling if it failed. When it was found necessary, from the opposition to his plan by the post office, that he should superintend its execution, this agreement was new modelled into the form of an appointment for life, giving Mr. Palmer the uncontrouled management of his plan, and commuting part of his percentage on the encreased revenue, for a salary attached to his appointment. Nor can it be imagined for a moment, that he would have accepted an appointment with less power, for how could he have expected to succeed in his undertaking, if liable to be impeded and thwarted by those who had professed to be his enemies, and who had declared him to be a madman and his plan impracticable. The appointment being so drawn up and settled, Mr. Palmer proceeded; in the mean time the attorney general discovered that this appointment was not legal, as it interfered with an existing act of parliament, constituting the postmaster general the head of their department. This might easily have been remedied by altering the act of parliament, in extending the commission of post master general, and including Mr. Palmer in the appointment. But whether Mr. Pitt wished first to ascertain more fully the merits of the plan, or was influenced by the suggestions of others, who, now Mr. Palmer's wheels were once set in motion, thought they had no further occasion for his assistance; be that as it may, the matter was delayed, and Mr. Palmer was induced to proceed in the execution of his plan, under the assurance of the minister that he should not be interfered with, and that when he had compleated his own engagements, the public should perform theirs. Under these assurances Mr. Palmer proceeded to his satisfaction, until the appointment of my lord Walsingham, an event as unfortunate for the public as for Mr. Palmer. The hon. gent. admitted what he had before stated, that from certain parts of the evidence which had been laid before the house, wherein lord Walsingham speaking of the merits of Mr. Palmer's plan, had declared that government was pledged for the fulfilment of the agreement, and wherein both their lordships had stated their conviction of Mr. Palmer's personal integrity, he was convinced their lordships had no intention to injure Mr. Palmer in character or fortune. But however convinced he might be that lord Walsingham had been misled by the intrigues of others, necessity compelled him to add that such was his lordship's opposition to Mr. Palmer's plan, that whoever ought to have been dismissed it was impossible they could act together. The hon. member then proceeded to observe upon the conduct of a right hon. gent. (Mr. Rose) who had been upon that night, as upon all former occasions, the most bitter in his hostility to Mr. Palmer, and who of all others should have been the last to oppose his claims. At the time the committee sat, on whose report the hon. member had founded his motion in the last session, the right hon. gent. did not think proper to attend either as a member or witness, though the same right hon. gent. had been very regular in his attendance at a subsequent Committee, where having no apprehensions of being called upon, he spared no pains in his endeavours to perplex and reduce that amount, which in the first instance was far below the calculation that was fairly due to Mr. Palmer. However as he had declined attending the former Committee, Mr. Palmer having no object but to obtain justice for himself and family, and conceiving that the right hon. gent. for his own sake would be content to remain quiet, had no wish to disturb him. But had the Committee examined the right hon. gent., instead of another right hon. gent. whom they called upon, the hon. member believed that they might have obtained much more information than the latter was able to afford them; and here the hon. member begged leave to say a few words upon the conduct of the right hon. gent. alluded to (Mr. Long.) That right hon. gent. considering his natural partiality to Mr.

Pitt, had given a very candid evidence before the Committee, in which the little he said, expressed a favourable, and coming from him, a flattering testimony of Mr. Palmer's merits, and which evidence he closed, by stating in answer to a question put to him that he had no further information whatever to give the Committee. Was it then quite consistent after such a declaration to state subsequently in the house that he could have given the Committee much further information had he been allowed the opportunity, as if, independent of his own previous assertion to the contrary, he had not been too long a member of that house to be ignorant that it was in his own power to have given any information he had thought proper. In consequence of this the right hon. gent. was again examined in a Committee of the lords, which Committee after about an hour's examination of the voluminous evidence laid before them, made no Report, and wherein the additional evidence of the right hon. gent. was in fact no addition, and so far to his own credit, for had it contradicted his former testimony declaring he had nothing more to say, such contradictions might have been the subject of a similar discussion to that which had lately taken place. The whole the right hon. gent. had stated was his own opinion of an agreement to which he had been no party, as he was not in office at the time; as for his opinion of Mr. Pitt's opinion it could not be necessary when the latter had stated it for himself in the evidence. Why, the noble lords preferred a second examination of Mr. Long, who, from the first knew nothing of the matter, to the examination of lord Camden and the bishop of Lincoln, and whose testimony the whole of the case rested, the hon. member was at a loss to guess; but as the Committee had declined examining their lordships, he concluded their testimony was undisputed.—The hon. member again returned to the right hon. gent. (Mr. Rose) who he believed might have given more information to the Committee, from having been Secretary to the Treasury at the period of the original agreement, and as such, principally concerned in the transactions which took place.—If any gent. would read the whole of the evidence and other documents which Mr. Palmer, however expensive to himself, found necessary to publish, he might there be convinced that the great difficulties Mr. Palmer had to encounter, were not in the arrangement of the plan itself, but in consequence of the encouragement given by the right hon. gent. to all that opposition and intrigue which it was his duty to have suppressed; it might there be seen that on no occasion were the remonstrances of Mr. Palmer against the Post Office and Post-master General attended to, or that in any instance was their misconduct reproved, or their mismanagement enquired into. This was sufficiently proved by the evidence. He would not detain the house by entering into a detail, but it appeared that in one instance only the Postmaster General had incurred an expence to the country of 16,000*l.* a year in effecting a single improvement, which Mr. Palmer undertook to accomplish for 4,000*l.*; it appeared that after Mr. Palmer had in vain applied for a small increase of salary to deserving officers, the Postmaster-General immediately after his suspension advanced them to an enormous amount; in the instance of one salary only which at Mr. Palmer's recommendation they had refused to augment from 100*l.* to 150*l.* a year, after his suspension they raised to 700*l.* a year, thus bribing these officers with the public money to desert their principal; he should mention but one more instance wherein the Report stated, that during the short period of only four years after Mr. Palmer's suspension, there had been an excess in the expenditure of above 187,000*l.*; from that period to the present the excess had amounted to two millions; and the average annual expenditure which at the time Mr. Palmer left the office, he had reduced below the amount at which he found it, was now more than double. When Mr. Palmer entered the office, the average annual expenditure exceeded 200,000*l.*, on leaving the office after nearly ten years management, notwithstanding the vast additional expence in consequence of the extension of the Posts by his plan, he had absolutely reduced this expenditure; and from the period of his suspension up to the present time it had gradually increased to 400,000*l.* a year. The hon. member said that it was not for him to presume to dictate to the house, but he could not forbear giving his own opinion as a member, that if broad assertions like those made by such a man as Mr. Palmer, who was never known to fail in any expectation that he had held out to the public, were not worth enquiring into, he did not know what was. With respect to the gross accusation of fraud made by the right

hon. gent. against Mr. Palmer, he would only refer the house to the report of the Committee and the testimony of the Postmaster-General themselves. He wished he had as little reason to complain of the many misrepresentations of the right hon. gent. Amongst others he had told the house on a former occasion, that Mr. Palmer had deceived them, and the public by his assertion of his having saved government 20,000*l.* a year in the conveyance of the Mails, such saving being solely owing to their exemption from Turnpike tolls. But in fact the deception was on the part of the right hon. gent. as he could scarcely forget what he certainly knew at the time, that Mr. Palmer reduced the original contract made by government for the conveyance of the Mails at 3*d.* per mile to 1*d.* being a saving of two thirds of the expence, amounting to 24,000*l.* a year. The turnpike tolls had nothing to do with this saving, as the Mails had been equally exempt from them before. The hon. member said that he should have replied to the mis-statements of the right hon. gent. in the last session, but flattering himself from the repeated and decided majorities in favour of Mr. Palmer's claims, it was impossible that justice could be withheld, he had determined not to trespass upon the patience of the house; however, he hoped that all that had since passed would acquit him in having again troubled them. He should make no further observations upon the conduct of the right hon. gent. but could not drop the subject without making one appeal to his feelings. The right hon. gent. like Mr. Palmer, was now arrived at that period of life when reflections upon the vanities of this world must occasionally intrude, and when in spite of all our prejudices or partial affections, moments occurred when truth would present itself; it was in such a moment that he intreated the right hon. gent. to draw a fair comparison betwixt Mr. Palmer and himself, to compare his own progress in life with Mr. Palmer's, the fortune he had acquired with Mr. Palmer's, the anxiety he had suffered with Mr. Palmer's, the great services he had rendered to his country with Mr. Palmer's; and then to put it fairly to himself, if Mr. Palmer and his family were not as well entitled to the hard-earned profits he had acquired, as the right hon. gent. to the wealth he had amassed, the places and the pensions which he still enjoyed, and his family their reversion. The hon. member concluded with expressing his hopes that the little which was asked for by the motion, or had been stated against it, would ensure its adoption by the house, but if it failed he should not regret the having brought it forward, as it must serve as a further proof of the conviction Mr. Palmer felt of the justice of his cause, to forego the verdict of the house in its favour and submit it to the uncertain issue of the law; and it would also afford an opportunity to those who had been adverse to the claim to avoid all imputations upon the motives of their own decision in the case, by leaving it to that of a jury.

Mr. *Rose* hoped that the strong personal allusions which had been made to him, would sufficiently apologise for his again rising. He denied that he had been influenced by any other motive in the parts he took in this business, than a wish to defend him who could not now defend himself, and who had been charged with gross injustice in this transaction towards Mr. Palmer. Mr. Pitt had an high opinion of Mr. Palmer's talents and services; but nothing, he was concerned to state, but Mr. Palmer's own misconduct, was the cause of his removal. At the same time he admitted, that certainly Mr. Palmer had in the beginning many difficulties to encounter, and had to contend against a teazing opposition on the part of those who did not think as highly, nor (as the event proved) as justly of the plan as Mr. Palmer did. As to the origins of Mr. Palmer and himself, he asked, if he ever had made any allusion to Mr. Palmer's origin? Never. He was incapable of such indelicacy.

Mr. *Long* defended the evidence he had given before the committees of the house, and affirmed that he had never varied from any evidence or opinion delivered by him on this subject. There never was an agreement with Mr. Palmer, which did not include the discharge of his official duties. Mr. Palmer had misconducted himself in his office, and had therefore violated the agreement. At the same time he acknowledged the merits of Mr. Palmer.

Mr. *Ponsonby* suggested that the officers of the crown should not take advantage of the Statute of Limitations, nor of the non-liability of the public officer. This was the purport of the address; to place Mr. Palmer in a situation to try the merits of his case. He stated that he meant to propose an Amendment pursuant to this suggestion.

The Gallery was then cleared, but an

interval of an hour and a half elapsed before the division took place. When the house divided there appeared :

For the Resolution - - -	127
Against it - - - - - - -	123
Majority for Mr. Palmer	—4

HOUSE OF LORDS.

Friday, May 26.

[KING'S MESSAGE RESPECTING A VOTE OF CREDIT.] The Earl of *Liverpool* rose to move an humble Address to his majesty, thanking him for his most gracious communication to the house, and assuring him of the readiness of that house to comply with the intentions of his majesty. The noble earl took a short review of the circumstances that had occasioned his majesty's Message, and stated that the present contest into which Austria had entered with France, had arisen solely out of her own view of the state of her empire, and the dangers with which it was menaced by the oppression and ambition of the enemy. The government of this country had not by any argument or persuasion, or by the exercise of any sort of influence whatever, contributed to the determination which the emperor of Austria had been advised to make. But whatever might be the case with respect to that point, he believed that not one of their lordships could entertain the smallest doubt as to the justice of the great cause in which Austria had engaged in war with France. On that subject he believed there could be but one opinion. He therefore hoped that their lordships would be unanimous in their vote in favour of the Vote of Credit which he was about to move. A similar vote during war had been the usual practice of parliament; and it was certainly most desirable to afford every practicable facility to Austria in the existing conflict, in resistance to the overbearing tyranny and unbounded ambition of the French government. The Treaty which his majesty had concluded with the emperor of Austria could not be laid before the house till the ratifications were exchanged; but he took that opportunity to state again to the house, that that Treaty contained nothing whatever of a subsidiary nature. All that government now asked was a Vote of Credit for the sum of three millions to be placed at their disposal, and to be used by them as circumstances might render it advisable to dispose of it. This was not asked merely with a view to the affairs of Austria, but also with reference to our ancient ally of Portugal, and to the cause of Spain. He was happy to say that the interests of the peninsula did not appear so desponding as to cause us to refuse a continuance of our aid to those who had so nobly, so gallantly, so patriotically and so loyally maintained the honour and independence of their country against the pretensions and invasion of France. While the same noble and determined spirit was manifested, he was convinced that it was the policy of this country to continue its assistance to them. What might be the result of the contest, it was impossible to foresee; but while the Spaniards did not despair of it themselves, while they evinced the same manly and patriotic disposition to defend their rights and their independence, he trusted that their lordships would feel the propriety of assisting them in a cause, in the object of which every one must sympathise with them, and wish them success. He repeated, that in the case of the Austrian war, that government had in no respect been urged by this country. His lordship concluded by making his motion.

The Duke of *Norfolk* expressed his sentiments as to the great necessity of taking care of our own resources, for the purpose of our own protection. In point of justice there was no claim upon us from Austria, nor any further claim from Spain, though he would add, that he wished them every success in their endeavours. There was, however, a duty which we owed to ourselves. If France succeeded against Austria, which was but too probable, then he feared a similar success would be obtained by France over Spain: and we must bring our minds to a situation in which we were to go on without the continent of Europe. Indeed, even if we made peace, we should have to preserve that peace by such a defensive attitude as would continue to entail upon us vast expences; and therefore, upon a view of the whole, he thought we should, particularly after our late campaign in Spain, be careful how we expended our lives or our treasure. His grace then made some observations on the system pursued in Spain, of fighting for an unfortunate individual in captivity, and compared it with our conduct at the revolution, when we took a different course, and chose another person capable of doing something for our cause. His grace seemed to infer that the Spaniards did not act wisely in this particular.

Lord *Harrowby* rose in consequence of

the observations of the noble duke. This country might, as the noble duke thought, lose some part of the money voted, in the event of the failure of Austria and Spain; but it would lose nothing of its character; it would lose nothing of its fame or its reputation. It would have the consolation of knowing that it had not, by its supineness and indifference, assisted the common enemy in the downfal of Europe. His lordship defended the Vote of Credit as an usual measure, and one which the present circumstances particularly called for.

The Marquis of *Douglas* stated his objections to the subsidizing of the continental powers. He saw no great hopes from the Austrian contest, as Buonaparte was now at Vienna, and there was even reason to suppose that the emperor Francis had solicited peace. There was no duty, he contended, on our part, which required any pecuniary assistance to Austria. He cautioned administration against an improper expenditure of money on continental connections.

Lord *Boringdon* was happy to hear from ministers that we had taken no part in urging Austria to the present war. He was satisfied, nevertheless, that the Vote of Credit was usual, reasonable, and necessary. It was certainly desirable, whatever might be the issue of the war, that government should possess the means of assisting, to a moderate extent, the efforts of the European nations against the oppressions of France. There was nothing, he heard, of subsidy in the treaty with Austria. All that was asked was a Vote of Credit, to enable ministers to act according to the exigencies of affairs.

The motion was then carried.

HOUSE OF COMMONS.

Friday, May 26.

[CRIMINAL LAW.] Sir *S. Romilly* rose, pursuant to notice, to submit certain motions, with regard to persons accused, committed, discharged, convicted, or punished for particular offences in this country for a certain period. The object of his motions, the hon. and learned gent. stated to be preparatory to a measure which he had had some time in contemplation, to propose for the amendment of our Criminal Law, with a view to diminish its severity, and at the same time, to ensure the certainty of punishment. In looking into the practice, he found that it was at variance with the principle of the law; that it did not correspond with the theory, and that in this view there was much to correct. He would have brought this business before the house at an earlier period of the sessions, if it were not for the difficulties which he found to stand in the way of complying with his motions at the Secretary of State's Office, owing to the imperfect manner in which returns were made to that office with respect to persons who were convicted, or who had suffered the sentence of the law. For instance; from the returns in this office, relative to housebreaking, or stealing in a dwelling house, it appeared that although 913 persons, male and female, had been convicted of that offence within seven years, only one was stated to have been executed. When the papers for which he was about to move, should be laid before the house, the hon. and learned gent. stated his intention to propose, he hoped, early in the next sessions, that the whole should be referred to the consideration of a committee. Upon the subject of transportation, and confinement in the hulks, he meant particularly to request the attention of that committee and the house. Many of the unfortunate convicts sentenced to transportation, were known to have actually spent the period of their sentence on board the hulks before they were sent out to Botany Bay, and the extreme depravity which they were likely to contract, the wretchedness they were condemned to suffer on board the hulks, could not be unknown to any one who had an opportunity of judging of those miserable receptacles, where so many met a melancholy death. This was a statement which the public had already had from a very high authority. The consequences of sending men to a distant colony were also material to be known. It was important to ascertain what number has been transported to Botany Bay within the period of 20 years, since which that colony had been so used, and more particularly in consequence of the events which recently took place in that colony.—The learned gent. read his motions, which comprehended the period from 1802 to 1808, as he understood it would be difficult to procure returns farther back. The first motion was for the number of males and females convicted at either the assizes or the sessions within England and Wales, for the period alluded to; together with the number committed, and the offences with which they were

charged, distinguishing those against whom no bills were found, discharged by proclamation, and also the sentences pronounced, and the punishment suffered. The second motion was, for the number transported to New South Wales, the period of sentence from their embarkation. The third, for a return of the number who died before the period of sentence expired, or before they were embarked.

Mr. *C. Jenkinson* stated, that it would be difficult if not impossible, from the nature of the returns in the Secretary of State's office, to make out certain parts of the returns required by the learned gentleman. He therefore suggested to the learned gentleman, the propriety of withdrawing those parts of his motion which related to the several gradations between committal, conviction, and execution, which from the kind of returns sent into the office by the several jailors, could not be made out; nor could a return be made as to the period of the embarkation of transports. With regard to the hulks, he was enabled to say that very salutary alterations had been made in their conduct, and he had himself ordered inquiry to be made, with a view to some farther regulations, which he hoped would, particularly under the superintendance of the present inspector, Mr. Graham, operate to remove the evils complained of.

Mr. *Abercrombie*, adverting to the notice of a motion which he gave last sessions, with regard to the state of New South Wales, observed, that he had not redeemed his pledge, because he was induced to calculate upon the introduction of some measure on the part of his majesty's ministers, who had the opportunity of being much better informed, and the power of enforcing the arrangements, which were obviously necessary to amend the civil establishment of this colony. Recent events in New South Wales should urge ministers to take this business into their most serious consideration, and it was the duty of parliament to inquire into the grievances complained of by our fellow subjects at so great a distance. Indeed, it ought to be the policy of both government and the legislature to take up this inquiry, in order that a colony, the extension of which no one could anticipate, should be attached to the mother country, by the interests which we manifested in its concerns. He would, from these considerations, bring the matter forward at an early period of the next sessions, if ministers did not think proper to take it into their own hands. Before that period ample information would no doubt be received from this colony, and if ministers did not act upon it, he hoped he should have the assistance of that information in the course of proceeding, which he should feel it his duty to propose.

Lord *Castlereagh* stated, that a most competent person had been sent out as governor of New South Wales, invested with ample powers to correct any defects which might appear in the system of its government, and also to investigate the cause of the events which had recently took place in that colony. Those events could not be ascribed to any degree of inattention on the part of ministers, who, as soon as the necessary information should be received from the colony, would take care that such measures should be adopted as circumstances should appear to require.

Mr. *Wilberforce* bore testimony to the discretion, firmness, and judgment of the officer alluded to by the noble lord, than whom a more eligible person could not have been selected for the purpose. Indeed it came within his knowledge, that this officer was previously quite unknown to the noble lord, and selected only in consequence of his fitness for the appointment. The hon. gent. also testified to the qualifications of Mr. Graham, who would, he had no doubt, introduce every practicable improvement into the system of the hulks.

Mr. *Horner* hoped the house would feel itself pledged to consider this subject, and particularly how far the experiment of transportation upon our criminal law had been successful.

The first motion was withdrawn, and the others were agreed to.

[KING'S MESSAGE RESPECTING THE CLERGY.] The Chancellor of the Exchequer brought down the following Message from his Majesty:

"George *R.*

"His Majesty having directed Returns to be made and certified, by the Archbishops and Bishops of England and Wales, of the number of Livings under the value of 150*l.* per annum, and perceiving from those Returns that, notwithstanding the operation of the Act passed in the second and third years of her majesty queen Anne, for the making more effectual her majesty's gracious intentions for the augmentation of the maintenance of the poor Clergy, by enabling her ma-

jesty to grant in perpetuity the Revenues of the First Fruits and Tenths, the maintenance belonging to the Clergy in divers parts of the kingdom is still mean and insufficient, his majesty has directed an abstract of those Returns, as far as the same have been completed, to be laid before the house of commons; and if the house of commons can find any proper method of enabling his majesty to accelerate the operation of the said Act, it will be a great advantage to the public, and very acceptable to his majesty. G. *R.*"

Ordered, to be referred to the Committee of Supply.

[MR. CURWEN'S REFORM BILL] Mr. Curwen moved the order of the day, for resuming the adjourned debate, on the bill for the prevention of the sale of Seats in parliament.—The Speaker explained. that the question was, that he do now leave the chair.

Sir *John Newport* rose and spoke as follows:—Sir, I have always thought the subject now under consideration to be at any time of the greatest importance to this country. I think it to be particularly so at a period such as the present. I have always been anxious that Reform should originate in this house; considering, that within these walls it could best be effected, and with the best and most happy consequences. I have ever been anxious, that we should afford no pretext for complaint against us, to those without doors; and for this purpose I have supported measures which seemed likely to produce so desirable an object, by giving full effect to the spirit of the Grenville Act. To make regulations for the direction of its conduct, or the reform of its defects, is a privilege which this house constitutionally possesses, and which it has often beneficially exercised. I need only refer to the recent case of Aylesbury, in which this house asserted its own dignity, in which the members of this house shewed themselves worthy of being the protectors and representatives of a great people, by proving that this house is ever eager to apply a remedy to the abuses that appear before it. I conceive the present measure to be of the same nature, or nearly so with that, only this is intended as a means of preventing the recurrence of those evils in future, rather than of punishing or remedying the past. In that case, such was the corruption proved by the evidence before our committee to have existed, that the votes of the electors were openly bought and sold, as in a market; and therefore this house applied the remedy, by disfranchising all those voters so convicted, and calling others, their neighbours from the adjacent districts, to supply their places as electors. Sir, upon the present occasion, I must differ entirely from my right hon. friend (Mr. Windham), when he says he objects to the measure, under the apprehension that we may be led to go too far. I am sure a call will never be made on this house to take any step that may endanger the constitution. I am sure if such a call were to be made, it would and ought to be resisted. I am sure if a cry was attempted to be raised among the people, for the purpose of overawing the parliament, they would soon recover from their delusion, and the effect would only recoil on the heads of those who were instrumental in creating it. I firmly believe, that the best and only means of preventing the delusion of this house being unwilling to correct abuses, consist in its shewing itself ready and willing to amend itself, particularly by a measure which is prospective, and therefore most salutary, as well as best calculated to prevent the recurrence of the evil it professes to correct. The benefits likely to arise from this measure are peculiarly applicable to that species of representation, known by the description of Burgage Tenures.—It has been said, that the purchase of seats for such places, is essential for the introduction into this house of young men of superior talents, who otherwise might never find their way into it; on the contrary, Sir, I contend that it is more likely, that talents shall come among us when seats are to be acquired by character rather than for money; for then the people will naturally look out for such as shall appear worthy of their confidence. I find a splendid and striking example of this position in a neighbouring kingdom, to which it is my pride and my boast to belong. I allude to the conduct and practise of that revered character, the late earl of Charlemont. That nobleman it was who recommended to the borough in which he was supposed to have influence, the man I am proud to call friend, the friend of his country, the friend to human nature, Henry Grattan. He it was, that introduced this gentleman into parliament, not for his money, but for his worth, and shewing by such a selection, that in the exercise of his influence in the borough, he considered himself as holding a trust estate for the

public. This I heard him declare, at a public meeting, and thus had he conducted himself through the whole tenor of his life. Thus much I feel bound to say of a nobleman who is no more, but whose memory will live respected in the hearts of his countrymen. In the case before us, can we say it is not the wish of the people that some remedy should be applied? or, in admitting that it is, is it any disgrace to give way to that wish? To do so is not servility; it is to treat with proper respect the fair opinion of the public, duly and regularly expressed. We are not bound to surrender up our judgment to theirs; but we may surely doubt, when we find our opinions contrary to theirs. By looking at the matter in this point of view, we shall find our best support in the arduous circumstances of the present day; nor would Buonaparté wish for better support in his designs against this country, than that we should say, we would not attend to the voice of the people. It has been ever the pride and glory of our constitution, that it contains within itself the principle of its own renovation, and we should weigh well, whenever we find ourselves running counter to popular opinion, because, if ever there was a time when it was incumbent upon parliament to consult popular opinion, and to endeavour to acquire confidence by fair and legitimate means, it is the present. It is for this reason, therefore, that I take the liberty of suggesting, that we may attend to that opinion, in order that, if we find it in error, we may at least take pains to correct it. Sir, I will fairly own, that I think the people have reason to complain, that they are not sufficiently attended so. I do not mean to say, that we should adopt every speculation that may be promulgated; but we should at least shew that pains are taken to reform and correct those errors we condemn. We are called on to abolish what is called the trade of parliament! If a man comes into this house for money, he may be said to come as to a parliamentary lottery; the holder speculates, and the public pays the prize, whatever it is. Of these speculators, some are commercial, some professional persons; but the object of both is the same. Those who do not affect to apprehend danger from what they choose to term, a speculation, I would ask, has not the experiment been already tried, in the instance of the union with the sister country? By that measure, whether justifiable or not, the representation of that country became popular by the annihilation of its close boroughs.—Here, then, we find a practical experiment on the very subject; and who is there will say that any evil has been the result of it? It is the pride and boast of the British constitution, that it contains within itself the power of repair, rather than the principle of degenerating into anarchy and confusion—differing in this from all the other states of civilized Europe. It is upon these grounds, without detaining the house longer, that I pay my tribute of respect to the hon. gent. who has brought forward this measure, convinced as I am, that it is as necessary as it is useful. I have no objection to the word Reform, as applied to this mode of remedying abuses, satisfied as I am, that it is a safe and certain mode of preventing what is called anarchical reform. I shall therefore give my vote for your leaving the chair.

Mr. *William Smith* said he concurred with the right hon. bart. who had just spoken, in regard to what he had said, relative to anarchical reform differing from parliamentary Reform, for the latter was a reform that took place in parliament, itself, and carried into execution by the collective wisdom of the nation. He should not, however, scruple in saying, that, unless he believed that the measure under consideration would lead to something further, as he hoped it would, he should not even vote for its going into a committee. He was of opinion that, amongst the electors of this country, even amongst those best constituted, there was infinitely more corruption than any man wishing well to the country could desire to contemplate; and if that corruption were corrected, much would be done with regard to reform in parliament. It was a mere mockery, a gross and insulting mockery to say, that they shall not sell their votes one by one, when one individual was allowed to sell them all in the gross. He had no doubt that the hon. gent. who brought this measure forward, was actuated by the best intentions, as he thought it would be no inconsiderable step towards rectifying that degree of corruption to which parliament had sunk. But his own objection to the measure was, that it did not cut up that corruption by the roots but only lopped off a few branches from the worst parts of the constitution of parliament. The bill provided that every man

taking a seat in parliament shall take an oath that he has not promised to give, nor given any pecuniary consideration for it; but this could not be effectual, while it did not impose any oath upon the nominator to those Boroughs. Under these circumstances, the house of commons would still be under the same influence it was before. He thought the original plan of reform, proposed by Mr. Pitt, was infinitely better, as it went to cut up the very sources of corruption, by providing that the power of nomination to boroughs should be taken from those persons who enjoyed it. The only objection he had to that former measure, was that compensation was offered to persons who had enjoyed a right they had no title to possess, but for the good of the public. No pecuniary recompense was due to a man who possessed the trust of sending members to parliament. The present bill did not propose to do away this source or foundation of corruption. There were three sources of temptation to a corrupt exercise of the elective franchise, dignity, influence, and money; but only the last of these was alluded to in the present measure, while the two former were still allowed to exist, and might be employed by the distribution of offices of the state, which were only to be obtained through the treasury of the country. The government of the country had it in their power still to treat with any man for dignity, and any country gentleman, whatever his circumstances might be, if he considered that he could ennoble his family, had only to go to the minister and say, "I can no longer receive money for my seat, in the open market, I therefore come to you to make the best bargain I can; and I have no objection to dispose of my seat for any office you can give, or for any dignity, either a baronetage or a peerage, which you can bestow." This was actually, therefore, inflicting an additional evil on the representation, and conferring additional benefit upon certain individuals, inclined to continue the traffic complained of. This narrowing of the market would be actually found to be an inconvenience in more ways than one. If Boroughs were to be purchased for money, government would find many competitors; but when dignities or influence alone could be received in exchange, they would have the market wholly to themselves. Unless the house knew the man who sent the member amongst them, the corruption that might take place was more to be dreaded than that which could arise from the ostensible individual: because he stands forth before the public, and can be arraigned, if he errs in his vote, while the other lurks secretly behind the curtain, and pulls the wires by which the puppets are to be set in motion. As matters stood at present, he had no doubt that many men came into parliament, who had paid money for their seats, yet were still actuated by the best of motives. Some came in, merely for the purpose of obtaining that distinction which it gave them in society; and there were others, who, having no influence in elections, nor in public life, were inclined to come into parliament, even by such means, in order to render public service, and were actuated by the purest motives. If he could secure seats to such persons as these, even by the means now practised, he should not be one that would call for Parliamentary Reform. But what rendered some alteration necessary was, that there were some who made these purchases of seats, who might be inclined to make an ill use of them.—It was with great satisfaction and pride he saw many upon that side of the house, which formed the democratical part of it, who represented boroughs; and who although they might some day form a part of the other house, maintained boldly the right side of thousands of questions that were agitated. There were many commercial men, too, whose pursuits prevented them from forming connections with popular boroughs, and who had therefore, no other opportunity of coming into that house to signalize themselves in supporting the real interests and liberties of the country. If Parliamentary Reform were to lessen the number of such individuals, he should dread that loss as much as any man; but he was inclined to think that the agitation of this question would always be productive of good; and if at any time he was again called upon to give an opinion upon that subject, he should do it at greater length. He believed, that unless an oath were introduced into the present bill, to exclude promises of dignities and influence, as well as money, it would have no beneficial effect; but with that amendment, it might lead to considerable advantage, by operating as a silent check upon ministers. At all events he was persuaded, that the bill coming, as it did, upon the backs of the transactions, which they had witnessed of late, must be pro-

ductive of great benefit; and therefore he should vote for going into the Committee.

Mr. *Spencer Stanhope* said, he should not follow the example set him, by going into the question of Parliamentary Reform, but should merely touch upon the motives which induced him to think this bill should be allowed to go into a committee. A more imperfect bill he had never before read, and more objectionable clauses were never before put upon paper, and therefore as he had no objection to the discussion of the principle adopted by his hon. colleague, he should wish it to be committed, in order that it might be more fully discussed and amended. He was sure that if this were a question for the third reading of such a bill, he should give it a hearty negative.

Mr. *Davies Giddy* differed in sentiments from those, who had spoken before him; he thought that property and power should invariably be connected together, for without that connection, no peace could be maintained in society. Corruption, influence, and property, were as closely connected as usury and money. Formerly, the taking of interest for money was invariably denominated usury, and it was not till after the lapse of many years, that the proper line was drawn in regard to that most important article, the loan of money and the recognition of a legal rate of interest, in a commercial country. Now the same mistake seemed to have taken place in regard to influence and money, as formerly in regard to interest and usury. Property must necessarily give a person influence, and the latter would naturally tend to procure returns of members to parliament. The landed interest was no doubt the great leading interest; but there were other interests which should have the opportunity of obtaining seats, to a certain extent, in that house, as they could render essential service to the country, by expressing their opinions there, even as connected with their own interest. Some individuals objected to the state of representation, because some small places sent an equal number of members to parliament as larger ones; but it would, upon examination, be found, that great advantage arose to the country by, this being the case. Most of the small boroughs sent to parliament merchants, and gentlemen of the army and navy, who otherwise could not get seats in that house. Those who adverted to the great advantages of commerce to the country, and the dangers arising from too large a standing army, must be convinced of the propriety of such individuals as these having seats in parliament. If these small boroughs were to be done away, he could not see why members should not be sent to that house to represent our possessions in America, and also our East and West India possessions. Persons even possessed of large properties in the funds of the country, should be represented in that house. For such persons to obtain seats in that house, there was at present no other mode than through these small boroughs, and he should rather wish to see them increased than diminished. It had been said that parliament ought to consult popular opinion, but he thought that this could only be carried to a very limited extent, because in his mind there was no term more ambiguous than was usually denominated popular opinion. He should certainly approve of members listening to the opinions of those who were really competent to form just ones, but to say that they should attend to the sentiments of individuals, who had no knowledge of the real interests of society, nor acquaintance with the history of this or of other countries, was carrying that concession too far, as they could thereby form no correct opinion upon difficult topics, which required great attention and the most mature reflection. Parliamentary Alteration would be a better term to apply to any change that was necessary, than Parliamentary Reformation. It seemed to be the intention of some gentlemen, that the executive power should be wholly independent of the legislative. Were this the case, it would be found that the latter would soon overawe the former power, and would tend to convert the government into a democracy, under which no large and populous country could long exist, for after a few years of tumultuary proceeding, such a form of government could not fail to end in an absolute despotism. Being convinced that the motives of the hon. gent. who introduced this bill were good motives, he should not object to its going into a committee, but he was sure it could not reconcile it to what he thought would be consistent with propriety. It went to prevent corruption, by imposing penalties; but he should be glad to know how that would have the effect of preventing the sale of votes in large towns, where it was well known the vilest passions were flattered by various representatives, such as the holding out to

the people the release from all burdens imposed by what was denominated a corrupt government; although it was well known that such hopes could not be encouraged without injury to the peace of the country? When persons of large possessions used their property to get into parliament, by means the most honourable, or when the nominator selected individuals eminent for their knowledge in the laws of the country, or persons connected with the army and navy, or connected with the East or West Indies, or with interests in the funds, as proper to sit in parliament, he could not see any injury likely to arise fom the nominator being indemnified for his influence so applied. He should not say, however, that there might not be corrupt practices as to the mode of exercising that influence; but even that could not be an argument against its existence, any more than the publication of a libel should be made an argument against the liberty of the press. It had been said, that no person could come into that house through money, without having bad motives. In this he could not agree; for if any man who acquired great popularity in a large town, by being a bountiful landlord, or by any other means procured a seat in parliament, he did not see what security there was, that that gentleman was more likely to give his votes with greater purity or more disinterestedly there than a person who, having funds, was willing to barter some of his money for a seat by applying to the individual whom he found possessed of influence sufficient to secure it. Having already an excellent constitution, he thought it would be exceedingly dangerous indeed to attempt any alteration in the system of representation, without having the fullest prospect of great advantage being likely to arise from it. We had in the course of events been engaged in a long and expensive war, and yet this country had flourished, every mouth had been supplied, and every symptom of prosperity had been manifest. We saw our coasts and our harbours abounding with redundancy of capital. He should take upon himself to assert, that if the effects of this contest for Parliamentary Reform were to throw the country into confusion for one single week, more imminent danger and disadvantage would arise, than what had been occasioned by all the effects of corruption, existing from the time of king William, to the present period. He therefore should call upon the country to pause before they incurred the risk of our all, for the small benefit likely to arise from any change proposed.

Sir *Francis Burdett* declared, that doctrines so novel and extraordinary had lately been introduced into that house; doctrines so subversive of every sound principle of the constitution of parliament, that he was altogether at a loss how to discuss them. He stood in a situation unprecedented in the history of the country, for he had not to address the Representatives of the Commons in parliament assembled; that title they had disclaimed by the avowal and defence of their corruption; but he was about to speak to an assembly composed of some representing the Treasury; some the Admiralty; some their patrons; some their own money; and a few representing populous places; an assembly constituted under a system resembling the fortuitous concourse of the atoms of Epicurus. Under these circumstances, he felt himself somewhat at a loss what to say; but in justice to the large body whom he represented, he thought it his duty to raise his voice and reprobate doctrines the most abominable that had ever been avowed since England was England. Much had been said of the dignity of that house; but if they were not Representatives of the people, where was its dignity?—The present debate had been opened, on a former night, by an hon. gentleman opposite, (Mr. George Johnstone) whom he did not then see in his place, in the most extraordinary manner, and upon the most extravagant ground, that had ever been avowed by any member of parliament. That hon. member had attempted to justify the present mode of sending members to that house, by comparing it with the abuses and corruptions of former periods: he had, for the purpose of covering the disgrace incurred by the late transactions in that house, even gone the length of avowing, that the British parliament had been formerly in the pay of a French monarch. To what particular period the hon. gentleman alluded, he knew not; nor upon what information he grounded his statement. He might perhaps have had in view that period of the reign of Charles 2nd, when a British sovereign was not proof against the temptation of French gold, and the important fortress of Dunkirk had been sold for a sum of money. But he would ask that hon. gentleman, whether, in his charges against

the parliament of that day, he had his information from the romances of Dalrymple, or the libellous list of Barrillon, the French ambassador? a list in which the names of Russel and Sydney appeared! Did the hon. gentleman believe such statements as these? If he did, he libelled our ancestors. The hon. gentleman had next compared the present House of Commons, or rather this Assembly, for it was not now the Commons of England in parliament assembled with ——

The *Speaker* called the hon. baronet to order.

Lord *Archibald Hamilton* submitted, whether, under the peculiar circumstances of the case, the hon. baronet might not deny that this was properly the House of Commons, since, by the openly avowed and defended corruptions, the house itself appeared to have disclaimed that title,

The *Speaker* said, that it was his duty to call any Member to order who affirmed that this was not the House of Commons; and he would do so as long the house supported him (Hear, hear!).

Sir *Francis Burdett* then observed, that he was perfectly aware of the impartiality of the Speaker's conduct on this as well as on other occasions; but he would recollect, that until the 12th of this month of May, the claim of the house to be called the House of Commons was founded on its assumed purity. He admitted, however, the necessity of some rules to guide the proceedings; and the Speaker, no doubt, spoke from the remembrance of former periods. But, then, he must allow that he (sir F. Burdett,) spoke in a situation and under circumstances entirely new.—The hon. baronet then resumed his argument, and said, that the hon. gentleman (Mr. G. Johnstone) had boasted of the purity of the present Assembly, by comparing it with what the House of Commons was during the existence of the South Sea scheme. But the hon. gentleman had forgotten to state, that the members who had been detected in that instance were expelled the house, and punished in various ways; and that the commons then had purged off the baser matter. (Hear! hear!) Now, however, they seemed to want the instinct of brutes. Wolves would not allow certain animals to herd with them, and yet they could sit there and associate with ministers and others who had practised corruption, and had even the effrontery to acknowledge it. In order to prove the purity and dignity of the house in the present times, the hon gentleman had alluded to the cases of lord Melville and the Duke of York. In the former case, it was only by the casting vote of the Speaker that the dignity of the house was at all supported; but the hon. gent. would recollect that those who endeavoured to save lord Melville, even from censure, voted for his Impeachment, in order to rescue him from the equal justice of a jury. (Hear! hear!) As to the case of the Duke of York, he was at a loss to conceive how that could be turned into a proof of the purity of the house, which had cleared his royal highness, while even the ministers, in deference to the opinion of the people, whom an hon. gentleman near him (Mr. D. Giddy) had declared to be incapable of judging of these matters, had advised the resignation of the Duke of York. This they had done out of respect to that opinion, which the house had disregarded. But suppose, as that hon. gent. had said, that the house had been corrupt from the time of the Revolution, were we to justify crime by crime? Many persons in that house had said, that the system would lead to arbitrary power; but he believed it could scarcely have been in the contemplation of any one that a minister would ever have dared to avow what was now openly defended. The hon. gent. who had just sat down, had made such contradictory statements, that it was difficult to follow him. He said that political power ought not to be separated from property. Why, that was the very ground on which they stood. Their object was, that they who had no property should not have political power; that this borough-mongering Jacobinism should be destroyed. But after having made this declaration, the hon. gent. turned round and extolled the advantages derived from the rotten boroughs (Hear, hear!). These boroughs, he said, brought in a heap of adventurers of different descriptions into the house, men of talents. But they wanted no adventurers. What was required was a sober check on the government; and for this purpose a house of commons properly constituted might very well answer, without lawyers and other adventurers, and without being made a kind of theatre for the exercise of debating powers, and political talents. Their object was the security of the country. They had no desire for ornaments; they wanted bolts and bars to confine the executive within its proper sphere. The commons

of England composed these bolts and bars of the constitution. If this were not the case, the constitution of England was a mere farce, a mere masquerade. If it was the design of the hon. gent. to continue a system which rendered the house subservient to the minister, in other words, to have an arbitrary government, why did he not propose this at once without the present incumbrance? If we must have a despotism, why not have it without all this machinery and expensive appendages?—Adverting to the observations of the hon. gent. upon the case of usury, the hon. baronet observed, that the laws against usury were ineffectual, because the system was wrong. They only confined the trade to the worst description of people, and prevented a fair competition. So this bill would only aggravate the evil, inasmuch as the system was radically bad. As the laws against usury gave the monopoly to the worst description of people, so this bill would give the monopoly of the Seat trade to the Treasury. Unless you stopped the market altogether, you only did mischief by preventing a free traffic. If the bill could be efficient, which it could not, the Treasury would monopolize the whole, and therefore while the system continued, it was better to have a free market. If the house was not to be composed of representatives of the people, it would be infinitely better to have an auction of seats; to have a public mart where all might go, and conduct matters openly. Where all was conducted in this open way, the barter might be turned to some advantage. In the first place, the money might be turned to public purposes. We might then get rid of the delicacy which still remained on these subjects, and speak openly what every one knew; although he saw no reason why the ears of gentlemen should be more delicate than their consciences (Hear, hear!). Another advantage would be, that the man who purchased with his money would, in all probability, be more independent than placemen, and those who represented their patrons. For, according to the modern morality, these last were bound by private honour to vote as they should be directed, while a man might purchase, and prove an honourable and independent servant of the public. But this bill, like all sham measures, would be inefficient, or if it was not, it would, as he had stated, give the monopoly of the market to the Treasury. While he said this, he was desirous of doing justice to an independent member of parliament. He was fully convinced that the hon. gent. who brought in the bill, expected that great public advantage would result from it. The effect of that honourable gentleman's zeal had induced him to apply an inadequate remedy to an evil which had disgusted and alarmed him. So little did he expect from the operation of the measure, that he thought it ought rather to be called a Bill for the better Prevention of the Detection of Corruption, than for the more effectual Prevention of Corruption.—But there was another view, in which he felt considerable objection to the measure. He was an enemy to the Oath it would impose. This land was already disgracefully oathed. Oaths were at present too common in the legislation of this country, and the extension of them would be a great evil. The misfortune besides was, that they would not be effectual for their purpose. How much were they abused in the excise and in other revenue cases? Was the oath of qualification sufficient for its object? He saw no reason why this oath should have more virtue than others, except on account of its length, for it was the longest he had ever seen. He was averse besides to oaths as a check on moral conduct. But still his great objection to this bill was, that it would, under the present system, rather aggravate than remedy the evil of which the nation had so much reason to complain.—Another singular circumstance to which he could not help adverting, was, that old notions seemed to be so completely obliterated, that amongst the other extraordinary things which had occurred within the walls of that house, they were reproached for that which formerly would have been reckoned an honour—namely, that they were of no party. The gentlemen of the present day seemed to be astonished at them. "You don't want place or pension, you say: Why, what are you at? What object can you possibly have in view? You must surely be traitors." They had been reproached for not desiring a change of ministers. But why should they desire any change? They did not see that the ministers conducted matters at all in a worse way than their predecessors, who taunted him for being of no party. He would not join any faction: but he would be glad to support any minister who acted properly. The only return he could make to that numerous body which had sent him to that

house, so undeservedly perhaps on his part, but so honourably to themselves, was to refrain from tormenting the ministers, and to stand up there only on great constitutional points, as a guardian of the rights and the privileges of the people. The gentlemen of the opposition were like some one in the play of *The Rehearsal:* their old master turned them off, and no one else would receive them. They said that their delinquency consisted in having been in office. No—none had reproached them with that circumstance. Their delinquency consisted in not having performed what they had promised to the nation. He had heard of a bankrupt fortune having been mended in that house, ; but he had never heard of a bankrupt character having been retrieved. It had often been said, that one proof was worth a thousand conjectures, but here they had a thousand proofs for one conjecture. They could not by law alter the direction which a machine or steam engine was constructed to take. A great many bills had been brought in to remedy the evils of the system; but it was in vain to attempt to alter the nature of the thing by these expedients. The hon. baronet adverted, as an instance, to a bill brought in by Mr. Burke to correct the mischiefs of the system, and to effect an economical reform. It had been introduced with all that parade and pomp of eloquence with which that gentleman could decorate the most trivial subjects. It was a sort of substitute for Parliamentary Reform, and was to be eternal in its operations, like the great principles on which it was founded. But Mr. Burke himself had outlived its operation. In opposition to the economical part of that bill, too, lord Melville had flatly refused to give an account of the mode in which he had expended a large sum, and yet those who talked so much about the dignity of the house, did not move that lord Melville be sent to the Tower.—But this bill would be mischievous in another point of view, it would act as an indemnity to all past delinquencies. By the admission of this bill the house seemed to think that something was necessary to be done. The only question was whether this was a remedy for the evil? Their neglecting to detect and punish the conspirators would be an excuse for future, and, perhaps, greater abuses. It was now upwards of 120 years since the Revolution, and yet they saw that there had been carrying on during all that period, a most scandalous intercourse between the Treasury and that house—that foul adulterous intercourse, which had been hitherto most strenuously denied, but still supported and justified. The detected minister still kept his place unmolested. If any man knew that a conspiracy existed against the king's life, would it not be treason to conceal it. Such was the law of the land, that the concealment of that would be deemed treason, and merit a forfeiture of life ; and yet, was not the concealment of these corrupt practices deemed a treason against the laws and constitution of the country? This bill must tend still farther to conceal those practices, instead of producing the remedy wanted. Suppose that a century hence some minister, such as one, who lately acted in the sister kingdom, old in the practice of corruption though young in years, should be detected at last through a carelessness arising from constant habit and long impunity, how much stronger would the argument of defence from the frequency of the practice be in such a case than in that of the noble lord to whom he alluded? The tie of honour, as it was called, would then be stronger, and it would be urged, from the very circumstance of the little notice taken of the noble lord's case, that their ancestors never intended that the present bill should be carried into effect. Those who asked, where they would look for the constitution, he would refer to Magna Charta, to the Act of Settlement, and the Bill of Rights. It had been said of him, that he had held out the Bill of Rights as an existing law. He had only referred to that among documents, as proofs of the principles of the constitution—of " the unalienable and imprescriptible rights of the people," to use the language of the Bill itself. That subsequent acts had violated those principles, was one of his grounds of complaint. As to the time of reform, there were some who thought there were two seasons improper for reform—a time of peace and a time of war. In peace it was a pity to disturb the general tranquillity ; in war the nation had a great deal of other business on its hands. There were many also who denied that reform would have any effect in diminishing the burdens of the people. This was as much as to say, that there was no connection between representation and taxation. But unless the gentlemen expected some practical good of this kind from reform, why did they support it? For his

part, he saw no use in it, except from the effect it would produce with respect to the controul of the expenditure. In the year 1785, Mr. Pitt was a friend to reform, as was Mr. Dundas. But a minister might wish for reform, and yet be utterly unable to effect it. From the length to which these corrupt practices had proceeded, it was apparent that the great object of reform could only be attained by a firm but temperate action of the people out of doors upon the house. If some of the friends of reform had injured the cause, the friends of corruption had certainly injured their cause. The priests had torn aside the veil of the temple, and exposed their idol. That idol, he hoped, would fall before the united voice of the nation, as Dagon, the idol of Palestine, had fallen before the Ark, and put to shame his worshippers.—The hon. bart. concluded by stating, that the measure under consideration should not have his concurrence or support, as it would not effectuate any good or beneficial purpose.

Mr. *Fuller* was astonished that a gentleman should depreciate the liberty of his country, at a time when he was making one of the freeest speeches that had ever past the lips of man. With respect to being a real representative of the people, he certainly had as much right to call himself so as the hon. baronet; for he had never bribed the county of Middlesex, and thrown away 70,000*l.* upon an election; nor had he ever produced 3 or 400 voters, who were afterwards found not to be voters, and many of whom had since been sent to Botany Bay. As to the people who made fine speeches, and clapped their hands upon their hearts—they might as well have clapped them any where else (A laugh). After they had gained their object, they might, perhaps, exclaim like Jack Wilkes, "What fools these fellows are to be so deluded!" With respect to the bill, he did not think it could be effectual; for there were many things besides money which a man might give to procure votes, such as a puncheon of rum to one, a horse to another, and a pipe of wine to a third. He had no objection to allow the bill to go to a committee; although he did not like the administration of oaths proposed in it, by which the duke of Norfolk, or the duke of any body else, might be sent to Botany Bay for giving a pint of wine, and then inadvertently swearing that he had not been guilty of bribery. Instead of such a penalty, he would propose to the committee to substitute a heavy fine, and exclusion from the existing parliament. He concluded with observing, that no man deserved to be a representative of the people, who would not defray the travelling expences of those who came to support him.

Mr. *Wilberforce* could not consent that the admirable constitution of this country should be founded on open and avowed corruption, and was unable to understand the distinction between corruption in the gross and in detail. Why should a man be punished for selling a single vote, when he who sold the whole escaped? He should not say, that he observed no utility to result from the present system. It was often pleasing to the great Author of all, to produce good from evil; but though we saw that the effect of the evil had been mitigated, it could furnish no argument, upon the ground of political expediency, to justify and to defend it. He must also disapprove of the conduct of the hon. baronet, upon whom he called to acknowledge, whether it was fair in him, while he contended for the doing away of abuses upon the one hand, to enter into an abuse of the constitution upon the other? If such things were acknowledged to exist, as had been acknowledged lately, and if they still suffered and tolerated them, after they had been published to the world, could they not see what an effect must be produced upon the morals of the people at large? Sure he was, that in the times, and under the circumstances in which they lived, they should consider well before they gave their sanction to such abuses. It constituted one of the multitude of blessings enjoyed in this most happy country, and under this constitution, so speculatively and practically beneficial, that free discussion was permitted, the liberty of the press established, and the means of political information generally diffused. But this blessing, at the same time that it was such a source of pride, should also be a source of caution; it should make them careful to correct those faults, which, though they might not be injurious in other countries, must be peculiarly so in this, from the rapidity with which they were circulated, and the freedom with which they were discussed. As Gulliver saw blemishes in the most beautiful female of Brobdignag, so public affairs were here regarded with a microscopic eye, and the slightest defects perceived. These abuses could not with

safety be allowed to continue. It was the opinion of a great man, now no more, that a moderate reform was particularly desirable, in order to separate the more temperate of its advocates from the more violent. This was very expedient at present. With regard to the Oath, the hon. baronet had not observed that the transgression here was to be punished as perjury, while there was no punishment for the violation of the qualification oath. He thought his hon. friend (Mr. Giddy) was too refined in his reasoning. He did not deny that some influence might be properly exercised; but the nearer you approached to that state in which all would vote for him, whom in their consciences they thought the best representative, so much the better.—The hon. baronet had spoken of the inefficacy of oaths in general, and lamented the multiplication of them. That inefficacy, and that multiplication, he lamented as much as any man; but at the same time they should not deny that oaths were in some cases necessary, and that this was a proper case in which to introduce an oath. The hon. baronet had spoken of the qualification oath; but when he compared it with the present, he should consider that there was no penalty attached to the breach of the qualification oath, while there was to this. The evil of which the hon. baronet complained, occurred, when the occasion was thought grave enough to have an oath attached, but not grave enough to justify a penalty.—He could wish that there was any other mode of securing the object they had in view, beside an oath; as there was not, however reluctantly, they must resort to it. He approved of it in the present instance, provided the penalty was attached, and the breach of such an obligation punished as it ought. He allowed the merit and ability of the speech of his hon. friend, which he must again repeat, appeared to him to be a little too refined. That a good landlord should, and must, have some influence over his tenant, independent of political merits, was a position he could not but admit; but the nearer we approached to selection, upon distinct and independent principles, the nearer we approach to perfection. When his hon. friend endeavoured to justify such practices as had been acknowledged, he proceeded upon a ground as dangerous as it was difficult. Sure he was that no country was ever the worse for adhering to moral principles; and if they were to state to the people that what they called corruptions were not corruptions, they would contribute largely to the dissolution of those moral principles throughout the whole nation. They should consider, that they were placed in a high sphere to set an example to the rest of the world, to stamp that character which was to pervade the community, and to give society its complexion; they should consider this, and this should render them cautious of recognising any principle or setting any example injurious to the cause of virtue. He was always a friend to a moderate and temperate reform; in his younger days he espoused it: though older now, and consequently more cautious, he could see no reason to doubt the propriety of that former opinion, or why reform should not now take place. He hoped that there would be no violent proceedings adopted upon either side. That axiom appeared to be right which said, that "moderate counsels were always the best." Let the gentlemen opposite beware, how, in their avidity to resist reform, they entrenched themselves within a circle of abuses; and let those upon his side take heed, how, in their eagerness to effect it, they disparaged the constitution under which they enjoyed such blessings.—It was the peculiar nature of a free government to adapt itself to the circumstances of the times; circumstances had been changed by late occurrences, and there should be a correspondent alteration in the Government, to meet that of the circumstances of the times. Let us advance, but let us advance with caution; let us not be called upon to stand still, nor let us libel the constitution so far as to say that it is necessary to its preservation, that we should cherish its radical defects.

Mr. *Windham* rose and said:—Sir; I am well satisfied to have heard, before I address you, the speeches of the two hon. gentlemen who have last sat down, as those speeches will have helped to recall our attention to the question more immediately before us, from which the speech of the hon. baronet (sir F. Burdett) had in some measure led us away, though not to any topics, which I mean to describe, or which I wish the house to consider, as unconnected with the subject. Those topics are indeed most closely connected with it, as they are in themselves also of a nature and character, to which I must not fail hereafter to advert, and with which the house will I hope be duly impressed.

In the mean while, I must fairly profess, that upon the subject of the question immediately submitted to us, I have found no reason from any thing that I have heard to night, or upon other occasions, or that my own reflections or inquiries have furnished, to alter the opinions with which I took the liberty of troubling the house on the night on which it was first brought forward. I equally think it a measure, ill-timed, injudicious, founded upon false views, false facts, and false assumptions, calculated to produce no good in the first instance, and liable and likely to lead to the most serious mischiefs in future. The whole measure rests first upon an assumption, which, in the sense in which it is used, and the extent to which it is carried, I utterly deny, namely, that the transactions in question are corrupt; and secondly, upon a position, which is true indeed, but of no effect or operation without the other, namely, that acts criminal and abusive in themselves, cannot be protected by the length of time that they have been suffered to prevail, or by the number or authority of the persons, who have been found to practise them.—Nobody pretends to say, that fraud, falsehood, theft, robbery, the whole list of crimes by which society is disfigured and injured, though co-eval and co-extensive with society itself, are for that reason less crimes, or less call for reprobation and punishment, than they did at their first appearance in the world. There are innumerable offences and depravities, which no authority can sanction, or support, but which will to the end of time pull down the character and reputation of all those, be they who they may, who shall be found to have been guilty of them. What we are to inquire is, whether the acts now meant to be proceeded against, are of that sort? whether they are like many others, acts which those who commit them know at the time to be wrong, though under the impulse of strong temptation they may not have the virtue to abstain from them; which degrade the person in his own opinion, and would, if known, degrade him in that of others; which he is compelled to condemn in the very moment he yields to them; which are attended in the first instance with injury to others; or, at least, tend to weaken the authority and observance of some rule, which the interests of society require to be upheld?—Let us consider how the matter stands in respect to the nature and description of the fact. Let us open the pleadings by stating the case. A minister in the time of Geo. I. or queen Anne, or king William, has a friend come to him, at the moment of a general election, who says, 'I have a great interest in the Borough of such a place. I have a large property, I have laid out a great deal of money, there; I have obliged in various ways, numbers of the voters and their connections; many are dependent on me, many look up to me for favours that they have received, or favours they expect. In short, I may venture to say, that I can bring in both members. One of the seats I must reserve for my son; but for the other I shall be very happy to take by the hand any one whom you will recommend. I have been always, as you know, warmly attached to you and your friends; and anxious to give every support in my power to a set of men, whom I have always acted with in and out of office, and whom I rejoice to see in their present situations, because I think them in my conscience the fittest men to whom the interests of the country can be entrusted: I want nothing for myself, and should be very glad to offer this seat to your friend free of all expence; but the sums which I have been obliged to lay out in cultivating this interest; the property which I have been obliged to purchase, on terms yielding but a very inadequate return in point of income; the heavy charges incurred in supporting the rights of the freemen in the two last contests, joined to the probable expence of the present election, will oblige me, towards replacing in part what these will have cost me, to require a sum to such and such an amount, from the friend, whoever he is, whom you shall recommend.' The minister says, 'I am exceedingly obliged to you: nothing could come more opportunely: I have at this moment, a young man, the son of our friend lord such a one, for whom I am most anxious to procure the means of his getting into Parliament, not only on account of our friend his father, but because he is a young man of most extraordinary promise, with his whole mind turned to public business, and likely to become in time one of the greatest ornaments and supports of the country. His father will, I am sure, have no objection to advance the sum which you require, and which is very moderate; and you will, I am persuaded, be happy in introducing a young man likely to do so much credit to your recommendation.'

All this I am taught to understand is grossly corrupt, much in the same way as any act of peculation or embezzlement. I can only say in the first instance that I am sorry for it: because some such things have I am afraid been done in the best times, and by those commonly accounted the best men. I am sorry to be obliged to part with so much of the admiration which I have been accustomed to feel for supposed virtue and character, and to confess that those eminent men, early and recent, whom we have hitherto looked up to as patterns of virtue and the pride and ornament of the country, were little better than corrupt knaves. It is painful, I say, to part with these convictions, and to be compelled to confess the world less virtuous than we had supposed it. It may be forgiven to us, therefore, if we make some struggle in defence of our former opinions, and if I venture to ask, as an humble inquirer, and for the sake of information, what is the precise nature and character of this corruption, and in what part of the transaction, that is to say, with which of the parties, it is supposed principally to reside.

As to the minister, who is the party first seized upon, and against whom the charge is most pressed, his guilt can be only derivative and dependent on that of others. He is only the go-between, the broker, the procuress, if you please, who brings the parties together: but unless the parties meet for some ill purpose, his office is innocent. Of the two parties then, which is the most criminal, the giver or the receiver? the buyer or the seller? or is their guilt equal? Let us know a little more distinctly, what is the rule and principles which we mean to lay down.

Is it meant to be stated generally, that no place of trust and confidence, no place to which important duties are annexed, shall be disposed of for a valuable consideration? that the sale of a place of trust is, in all circumstances and in every instance, a corrupt and criminal transaction? If it is, then does both the law and the practice of various countries, and of this country among others, sanction and authorise most corrupt and criminal transactions. I would quote, in the first instance, the whole of the parliaments under the old monarchy of France; which, though not parliaments in our sense of the word, were of a nature to make the disposal of seats in them for money, a proceeding, if it were wrong at all, infinitely more wrong than the same proceeding would be here; for the parliaments in France were judicial tribunals, courts of judicature, in which the whole civil and criminal justice of that renowned and enlightened kingdom, was administered; and where, in spite of those vulgar national prejudices, under which we have some times been supposed to labour, and which lead us to believe that nothing can be right or good, but what is conformable to our peculiar notions and institutions, justice was, for the most part, I believe, most ably and uprightly administered, and where certainly as great and eminent lawyers and jurists have been produced, and men of as pure and unspotted character, as are to be found in the legal history of any country whatever. Yet were all the seats in these assemblies, regularly, publicly, and avowedly bought and sold. So little do the effects of civil and political institutions, or the laws relating to them, answer in fact and practice to what the theories even of the wisest and best informed men, would previously pronounce of them! That these tribunals, whether such or not as I have described them, could not be such as our coarse and narrow prejudices, or our hasty and inconsiderate theories, would lead us to suppose, is demonstrable from the fact. For no country, much less such a one as I am adverting to, would consent for ages together, that the whole source of its justice should be polluted and corrupt. But to avoid all reference to instances liable to dispute, let us only ask whether we have not among ourselves, appointments, which if not absolutely judicial, are very closely connected either with judicial functions, or with others not less repugnant to the admission of any thing corrupt or impure, of which the sale is not only practised, but publicly tolerated and authorised. In what department, too, of the state, are these offices found? In the law, and in the church. Is it not notorious, that part of the salary or emoluments of our judges, the well-earned, necessary, inadequate emoluments of our judges, arises from the sale of places, having duties belonging to them connected with the business of their courts? Yet does any man, on this account, impeach the integrity or purity of our judges; which is on the contrary (and deservedly) the constant subject of our boast? or find ground for insinuating that the functions of these offices are not as well performed, and the persons

filling them, as respectable and proper persons, as they could be, if they were appointed in any other manner? The church furnishes examples likewise, which, if not directly in point, equally contradict the position above supposed, if laid down to its full extent and in such a manner, as not to avail itself of the distinction between an actual and a virtual sale. For what does any man do, who purchases and who sells the advowson of a living? or who purchases or sells the next presentation? does not he, both in effect and intentionally, purchase or sell the nomination to an office of the highest trust and confidence? And if this be morally wrong, can it cease to be so, because the act of appointment is not to take place immediately, but is in some degree contingent and remote? Can that which is corrupt and criminal if carried into effect immediately, become perfectly innocent, because the execution of it is made to depend on an event, which, though certain, may not happen for several months? It is impossible, therefore, to maintain, that the sale of seats in parliament is corrupt, simply upon the principle, that it is corrupt to take a valuable consideration for a nomination to a place of trust and confidence. The known, recognised, authorised, avowed practice of our own country, in departments the most exempt from any suspicion of impurity, and where the admission of any thing incorrect would be most anxiously guarded against, is in direct contradiction to such a position. We have still therefore, to look for the ground on which either the buyer or the seller, in such a transaction as that above stated, is to be represented as being a man morally corrupt. In fact, if their proceeding is corrupt, it will be difficult, or, I should say, utterly impossible, to stop there, and not to go on and declare corrupt the very influence itself, by which they are enabled to carry into effect this corrupt bargain. If the buying and selling be corrupt, it can only be so for reasons, which will make it corrupt to have the commodity which is capable of being so bought and sold. This is the true seat of the grievance, as, it must be confessed to be, the true place in which to apply the remedy. So long as there are persons in a situation to say, I can make an offer of a seat in parliament, so long will there be persons to treat with them for that object, and so long will means be found, for commuting in some way or other, the influence so possessed, for considerations valuable to the possessor. The only effectual way will be to get rid of the influence altogether. To make it penal for any one to have such goods in his possession. This the hon. mover may be assured is the use that will be made of his measure (nay it is the just and legitimate use) by those, who do not scruple now to oppose it, because they like to argue the question both ways, to be ready for either event; and may think possibly, that more is to be gained by the rejection of it, and by the ground thereby laid for raising a clamour against parliament, than they can hope for from the argument and the authority which it will furnish, towards subverting the greater part of the influence, which property is now allowed to retain.

I know how prompt the answer to this will be, and how triumphantly I shall be told, that no two things can be more remote from each other, than the influence of property, the just, wholesome, legitimate influence of property, and the sale of seats.—But let us recollect, that in the present business, we are arguing throughout upon principle, and that it is of the nature of principle, to unite things the most various and opposite in their individual forms and circumstances. It is not a question, how far things may be distinguished; but how far those, which are naturally distinguished, may be assimilated and made one. Those who can make no distinction between an offence against the bribery laws, by giving money to a particular voter, and the sale of a seat, can hardly be expected to distinguish between the sale of a seat, and such a use of influence as would give them the seat to sell.

I am as well aware as another that there is much influence, which, though ultimately to be traced to property, is so remote from its primary source, has been so changed in the gradations which it has passed through, has been so improved by successive graftings, as to retain little or nothing of its original character,—of the harshness and acerbity of the parent stock. The case is the same as with that passion in our nature, which, though too gross to be named, is often the source of every thing most delicate and sentimental; which, as the poet describes,

> ———through some certain strainers well refin'd,
> Is gentle love, and charms all woman-kind.

All, in these instances, that property may

have done, is to have given to virtue the means of acting, and the opportunity of displaying itself; to have furnished the instrument without which its energies must have been useless, and to have erected the stage, without which it would have remained unknown. I am under no apprehensions for the fate of influence of this sort. My hon. friend and others, notwithstanding the operation of this bill, will be at full liberty, I have no doubt, to lay out their thousands in acts of beneficence and bounty, in building bridges, or endowing hospitals, in relieving the wants or advancing the fortunes of the indigent and meritorious. They may still enjoy, together with all the heart-felt satisfaction, all the influence which will naturally arise from property so employed;

Him portioned maids, apprentic'd orphans blest,
The young who labour, and the old who rest.

But is this the only way in which property exerts its powers? Is it always taken in this finer form of the extract or essence? is it never exhibited in the substance? It is here that the comparison will begin, and that the question will be asked; which the advocates of this bill, I hope, who do not mean it to extend to the abolition of the influence of property, will do well to be prepared to answer; How, if the sale of a seat or any commutation of services connected with such an object be gross corruption, can we tolerate the influence which property gives, in biassing the minds of those who are to give their votes? How a landlord, for instance, should have any more influence over his own tenants, than over those of another man? How a large manufacturer should be able to bring to the poll more of his own workmen, than of those employed in the service of his neighbour? How an opulent man of any description spending his fortune in a borough town, should be able to talk of his influence among the smaller tradesmen; or be at liberty to hint to his baker or his butcher, that, laying out every week such a sum with them, as he does, he expects that they should oblige him by giving a vote to his friend, Mr. Such-a-one, at the next election? If all this is not corrupt, upon the principles on which we are now arguing, I know not what is. What has money spent with tradesmen, or work given to manufacturers, or farms let to tenants, to do with the independent exercise of their right, and the conscientious discharge of their duty, in the election of a member to serve them in parliament? A fine idea truly, that their decision in the choice of a representative is to be influenced by the consideration of what is good for their interest! or that persons, the advocates of purity, and who will hear of nothing but strict principle, should attempt to distinguish between the influence which engages a man's vote by the offer of a sum of money, and that which forbids the refusal of it, under the penalty of loss of custom, or loss of work, or of the possession of that on which his wife and family must depend for their bread? I shall be curious to hear in what manner, not the advocates of this bill, but the advocates for the principles on which this bill is enforced, will defend themselves against these questions; and be able to show, that while it is gross corruption, gross moral depravity, in any one who possesses such influence, to connect his own interest with the use of it, even though he should not use it improperly, it is perfectly innocent to create that influence by the means just described? Or on the other hand, if such means are not lawful, how the influence of property is to continue, such as has hitherto been practised and allowed of? It is indifferent to me which side of the alternative they take; but let them be well aware that such is the alternative to which they will be reduced: and that if they contend generally, as is now done, that such and such things are corrupt, because they admit the consideration of interest in matters which ought to be exclusively decided on principles of duty, it is in vain for them hereafter to contend that any man has a right to influence his tenants, or tradesmen, or workmen, by any other means at least than those by which he may equally influence the tenants, tradesmen, or workmen of any other person; that is to say, by his talents or by his virtues, by the services which he may *have* done, and the gratitude he may *have* inspired. When I look therefore to the moral qualities of these acts, as independent of and antecedent to positive law, I am at a loss to find what it is, either on the score of principle or of authority, that determines them to be corrupt, or that enables us, if they are corrupt, to exempt from the same sentence of corruption nine tenths of the influence, which has hitherto been supposed to be attached, and legitimately attached, to property, and which, for aught that at present appears, there is no intention of taking away.

But though such may be the result of an inquiry into the moral constitution of these acts, there can be no doubt, that the law may render corrupt any act which it pleases, that is to say, the law may make any act which it pleases illegal: and to do, or procure to be done, an illegal act, from an interested motive, is, I apprehend, corruption. We are to inquire therefore, in what manner and to what degree, those acts, which generally speaking are not corrupt, have been rendered so by positive law. And first, without affirming or denying the fact, let us examine the conclusiveness and validity of the arguments, by which it has hitherto been attempted to be proved. It has been said by those from whom I should have expected better reasoning, that the corruption follows of necessity from the laws respecting bribery in the case of individual voters; for that it is impossible that the law should be guilty of such monstrous inconsistency, as well as of such a flagrant injustice, as to punish the poor for bribery in retail, while they suffer it to be practised with impunity by the rich in wholesale. There is something so wildly inconclusive in this argument, as to make it difficult to set about formally to confute it. I cannot better illustrate its fallacy than by an argument something of the same sort, quite as good in respect to conclusiveness, and much better in respect to point and archness, which I remember when I was a boy, at a contested election for the county of Norfolk; where one of the candidates, a most respectable man, had rendered himself obnoxious by the inclosure of a common, (a proceeding less familiar at that time than it has become since, and better calculated therefore to be made a subject of popular clamour); upon which the wit of the day was to ask, in way of dialogue, what that man deserved who should steal a goose from a common? and when the answer was given, to follow up the question by another, what then shall be done to him who steals the common from the goose? This was very good election wit, but certainly very bad argument; (though just as good as that to which I have been adverting,) for what is the affinity between the two offences, so as to justify the considering the one, as differing from the other only by being upon a larger scale? A man by procuring the inclosure of a common, where such inclosure ought not to take place, may do a much worse moral act, with less temptation probably, and with far more injury to others' interests, than by the theft of many geese: yet who would ever dream of describing these as kindred acts, or propose that the incloser of commons, if convicted of having done so improperly, should be punished by imprisonment and whipping? Other instances may be cited more directly in point. There are, or have been, I believe, laws to restrain the retail sale of spirits. Should we think that a man argued very wisely or conclusively, with much fairness of representation or much knowledge of the principles of legislation, who should harangue at the door of an alehouse (the only place however fit for such a discourse) against the justice of laws, which could punish a publican for selling a dram to a poor wretch, who wanted it perhaps to solace him under the effects of cold and hunger, to whom it must stand in the place of food and raiment; while the same law did not scruple to permit the sale of these spirits by wholesale on the part of the rich merchant or still more opulent planter: and should take occasion from thence to ask (exactly in the stile of my hon. friend) if such was the punishment for selling a dram or gill, what did they deserve who sold these spirits by whole puncheons and shiploads? The answer is, that these acts do not stand to each other in the relation of more or less, but are perfectly disparate and dissimilar; are productive of different consequences; are to be regulated by different provisions; are so widely separated in character, as that the one may be an object of national encouragement, a source of public wealth and benefit, while the other can produce nothing but mischief, and is a practice requiring to be restrained by penal statute. Nothing therefore can be more false than the inference by which it is concluded that the sale of a seat in cases where it can be effected, must be deemed corrupt, because there are laws which prohibit the gift of money to individual voters. Both may be corrupt, and both may require to be prohibited: but not the one on account of the other.

Supposing however the fact to be, that by fair construction of the law of parliament, such bargains as are here in question, must be considered as illegal, and may in consequence be denominated corrupt: it is so far from following that the present bill is therefore necessary, that the presumption would rather lie the other way, and the conclusion be that a new bill was not

wanted; inasmuch as it could only prohibit that which was already prohibited. In general, the precedent of any law tells as much for what it does not, as for what it does. If we have the authority of our ancestors for doing so much, we have their authority also for doing no more. If they tell us, that such things ought to be prevented, they tell us likewise, so far as we chuse to be guided by them, that the attempts at prevention ought not to be pushed beyond a certain extent. It is undoubtedly true, that laws, right in their object, may be deficient in their means, or that change of times and circumstances may require new penalties and provisions to effect that to which the old were formerly adequate. But then this change and this necessity should be shown: and after all it is no just conclusion, that because our ancestors wished to prevent certain things by certain means, they would therefore be willing to accomplish their object at any price, or to have recourse to any means, be they what they would, which the attainment of that object might hereafter require.

Our business therefore is to ascertain, what it is right for us to do, with respect to an object, on which neither morals nor law, as antecedently established, prescribe to us any certain mode of action, nor even impose upon us the necessity of acting at all. —The acts in question are not in themselves corrupt or immoral. The law has either prescribed nothing about them, or, having prescribed what it has thought fit, has left, to say the least, the necessity of any further provisions, to the judgment of the legislature of the time.—It may be, that what it is proposed to be suppressed, is a political evil, tending to render parliament a less fit instrument for promoting the general welfare. If it is so, let us, in God's name, set about in earnest to devise the means of suppressing it: taking care always as in other instances, that in eradicating what is bad, we do not injure what is good, that in removing one evil we do not introduce others of far greater amount. But above all things let us be sure, that in attempting change, with all the dangers to which change is liable; particularly in a machine so delicate, so complicated, whose movements can be so little defined, and are so imperfectly understood, as those of the British constitution; we are not proceeding upon assumptions, which we ourselves at the moment suspect to be false, and which we adopt rather in compliance with the clamour of persons out of doors, than in conformity to our own sober, deliberate, and unbiassed judgment.

It is in fact in deference to the former of these motives, that is to say, to the voice of what is called the public, that the adoption of the measure now proposed is principally urged. And this being the case, it is in a more especial manner incumbent upon us, to consider what is the nature of this call, by what causes it has been excited, with what circumstances it is combined, and from what classes and descriptions of persons it chiefly proceeds. It would be the height of weakness and folly in any case to adopt a great political measure, without considering something more than the mere measure itself, without looking to the right and to the left, and inquiring what consequences it was likely, or liable, to produce beyond those immediately in view.

We have been told that this measure has nothing to do with the great question of Parliamentary Reform. If this be so, we have all been under a strange misconception, for, with one exception only, not a gentleman has spoken upon the measure on either side, or in any stage of its progress, who has treated the subject upon any other footing. It would in fact be the grossest perverseness or folly to consider this measure, otherwise than as arising out of the temper and fashion of the times, and out of that wild rage, which has suddenly seized us; nobody knows why or wherefore; for pulling to pieces the government and constitution. It is one of the small, leading steps, which it is hoped, may in time be made introductory of that purpose: one of the early symptoms, the first eruptive pustule that indicates the presence of the disease. The disease itself is however denied; and we are required to believe, that the whole of the present cry originates in nothing, but in the abuses recently discovered in the business of the Duke of York.

The amount of these discoveries is, that the mistress of a man in power had received money for the use of the influence, which she had, or pretended to have, in procuring places and appointments. This, if it stood alone, would be an odd reason for arraigning the government, or even for arraigning the person himself: and as for participation or connivance, though there are persons who accuse the Duke of both of these, their numbers are few, (speaking always

of those whose qualifications for judging are such as to make their judgment of any value,) and even of those few, fewer still think that their suspicions, whether true or false, admit of any sufficient proof. Yet with all this, such is the surprize excited in this country by any suspicion even, of corruption in persons of high rank and station, and such the commotion which it never fails to create, that the Duke of York, a member of the royal family, the king's own son, in full possession of his father's favour, and of the respect and good will of the greater part of the nation, is fain to quit the situation of commander in chief, which he has held with credit for fourteen years and more, and to withdraw into retirement, sooner than run the risk of the steps, which parliament, it is feared, would otherwise be induced to take.

Can any man in his senses suppose, that an instance like this was calculated to inspire the country with a distrust of its government, or to excite a desire of new-modelling its parliament, as being too submissive to the wishes of the court? We must look to other motives and purposes; to which the present bill is meant to serve as an instrument, and for which the business of the Duke of York is made to serve as a pretext, being after all, it must be confessed, a very flimsy and sorry one.

Upon what principle is it that we are told, that it is to libel the people of England to say, that there are among them thousands and thousands who wish the destruction of the present orders of things, and who are labouring night and day to carry into effect that laudable purpose? And with what decency, it may be added, is this libel charged upon us by those, who are every day libelling this house, and all the higher orders of the state, in the grossest and most unmeasured terms? Why is it more a libel than to say, that there are among the people of England robbers, murderers, and housebreakers, and offenders of all descriptions, and who, numerous as they are, would show themselves in much greater numbers, if the fear of the law did not keep them down? Are there not as powerful motives, passions as fierce and strong, and interests as tempting and urgent, to arm men for the overthrow of all government, as there are to incite them to any other act of violence? There is no government, bad or good, that can boast of owing its stability (or quiet at least) to any other cause, than to the difficulty and danger which is opposed to every attempt to subvert it. Let but the project be easy, let but hopes be entertained of its success, and thousands will be found, who from motives of different sorts,—some from folly, and some from wickedness; some because they know not what they are about, some because they do know; some as knaves and more as dupes; many from motives of interest, and more from motives of passion; some because they hate one part of the establishment, and others because they hate another; some as mere fanatics, and because they have entangled their (commonly) moderate understandings in speculations to which they are wholly unequal; others from mere restlessness and love of something to do; but far the greater part, from some species of bad passion or other, (not excluding of course those most powerful and general ones, vanity and love of distinction,) are desirous of seeing some great change in the order of things as they find it established: not all of them by any means desiring a change of the same sort or to the same extent: Oh, no! but all of them a change suited to their several views, and proportioned to their several interests and situations. My hon. friend, the author of the measure, and a great landed proprietor, thinks that there would be signal advantage in a change which would throw more weight into the scale of the landed interest. Another hon. friend of mine, likewise a great landed proprietor, is of opinion, that those, who can only purchase their seats, are intent upon nothing but getting back their money. To these are opposed many gentlemen of the monied interest, who see no reason, (nor do I, I confess, see any) why they who may have paid a sum for their seats once for all, should be more desirous of getting back their money, than he who has spent that sum, or three times as much, in a contested popular election. I am far, too, from being convinced from any observations that I have made of the conduct of men in parliament, that such in point of fact is the case. To my apprehension many of those who may be suspected to have come into parliament through these condemned and reprobated ways, have been among the most upright, honourable, and independent members, that parliament has had to boast, far exceeding others that could be named, who from the money they have spent, and the interests they have staked, in elections pretending to be of higher account, have only brought themselves to be the mere

slaves of popular opinion, that is to say, of their own future hopes, in the places which they represent. Many of the former description, from the class to which for the most part they belong, will be of opinion, probably, that the best improvement would be that which conspires best with the general change in the circumstances of the country, and by taking something from the old and obsolete privileges of the landed aristocracy, the barbarous remains of feudal times, gives a free scope to men who owe their wealth, not to dull hereditary descent, but to their own enterprize and industry, and have grown rich by means that have at the same time enriched, or otherwise benefited the country. But there is a third and more numerous class, who looking with no very friendly eye to advantages which they do not share, and knowing that they have not either land or money, yet fully persuaded that they have talents, will be for levelling to the ground all those barriers, which have hitherto, as they are firmly convinced, been the sole obstacles to their advancement, and have alone hindered them from figuring in the first situations of the state. The general rule will, I believe, be, that each man's opinions will be found to lean to that state of things, which he conceives to be the most favourable to his own consequence. Political consequence is probably a far more powerful, as it is a far more extensive motive, than prospects of private advantage. The numbers may be few, who can hope to better themselves by any change, in a pecuniary view: and these will of course be found in general among persons of no great authority from their present wealth or station. But many will have in their minds; and the highest in rank and fortune not less than others; some scheme of things, in which they may hope to become more considerable in point of general consequence. And if such men should be, as they are the most likely to be, men of ardent and daring minds, jealous of their importance, eager for distinction, impatient of controul, less awed by the fear of loss than sanguine in their hopes of gain, materials will not be wanting for furnishing out a revolution even from among the higher orders; in opposition to that childish notion, so false even in theory, and so contrary to all experience, that men will not engage in such enterprises who have much to lose, or as it is often expressed, have a great stake in the country. Heretofore, in fact, disturbances in the state were confined entirely to the class that had much to lose, namely, to persons in the highest rank of society; and though, since the example of the French revolution, this limitation is done away, and the lottery of revolution thrown open even to adventurers of the lowest denomination, yet the rich are not excluded, and we see every day that they are not at all disposed to exclude themselves. For though the French revolution exhibits the most striking example of failure, that the lovers of right could ever have wished to the authors of wrong; yet this failure relates only to the professed objects, the peace and happiness and liberty of mankind. In other respects, and with relation to the views and interests of individual reformers, who, in truth and fact, trouble themselves but little with the peace and happiness and liberty of mankind, the example is most encouraging; and particularly with respect to those, who are not likely to be deterred by personal risk; for nothing can show so strikingly the facility with which the object can be accomplished, and with which men from the lowest stations may be lifted suddenly to the highest. This is all that is wanted; for give but the chance of success, even a very indifferent chance, and thousands will not be wanting, high and low, to engage in the undertaking, and to labour with all the restless activity and increasing industry, with which we see the work carrying on at this instant.

Still the means must be supplied. They cannot make bricks without straw. Even these reformers or revolutionists, numerous as they are, and strenuous as their exertions are, cannot make a revolution of themselves, nor by their utmost efforts throw the country off that happy basis, on which it has rested for so many centuries, an object of admiration and envy, and never more so than at the present moment. The great mass of the community is, no doubt, against them: but industry and perseverance may do much. Those who would never listen to such a proposal in its full extent, may yet be drawn in by degrees.

Formerly, that is to say, some five and twenty years ago, the attempt was made through the medium of mere abstract reasoning. Incredible as it may seem, the idea was entertained, as I should say of overturning the government, but as even the authors of the attempt must say, of

totally changing the constitution of parliament, not by pointing out any practical grievance under which men laboured, but by convincing them that the whole of the British constitution, such as it then existed, and such as it had existed for ages, was an infraction upon the rights of man. The notion was new of attempting to make a great change in the practical concerns of mankind, by the mere force of metaphysical reasoning. But wild and extravagant as such an attempt may be, and little, happily, as was its final success at the period alluded to, we must not speak too slightingly of it, when we recollect what share such notions had in bringing about the French revolution, of which they ostensibly made the basis. At the end of 12 or 14 centuries, the French monarchy, at the moment of its greatest mildness, and when all that was harsh and odious in it was daily wearing away, was overthrown, with all the circumstances which we have witnessed, ostensibly by the mere force of metaphysical reasoning, and what is more humiliating, if not more extraordinary, by metaphysical reasoning of the most contemptible sort! This mode however has now lost much of its efficacy, and has got to be rather out of fashion. In seeking to imbody the natural and unavoidable discontents of mankind for the purpose of overturning governments, which is the general description of what I should understand by Jacobinism, it has become necessary to have recourse to something more solid and substantial than mere grievances of theory, and to take the discontents arising from real causes, whether the discontents themselves be reasonable or not, and then to connect these with something either in the frame or practice of the government. The discontents you are sure of. They can never be wanting, as long as men are men. Since the days of *qui fit Mecænas*, down to the present moment, few have ever been found, who were so contented with their lot, whether chosen by themselves, or cast upon them by Providence, *ut illâ contenti vivant*: and if they cannot be said, *laudare diversa sequentes*, they at least think that their own situation is not so good as it ought to be, or as a little change would make it. In a country like this, where a great portion of our immense riches is paid in contribution to the public service, no man will ever think himself as rich as he ought to be: for though the wealth of the country has increased in full proportion, I believe, to its burthens, that is to say, to its expenses; and though there never was a time when that wealth was more evenly diffused through all ranks and classes of people, yet as luxury has increased in at least an equal proportion, every man may in some sense continue to feel himself poor, inasmuch as the interval will not be increased between his income and his expenditure. Because, let his wealth be what it will, if his expences increase in such a way as to continue to press equally upon the bounds of his income, he will never be a bit richer, with respect to any disposable surplus, but will be equally under the necessity of parting with some article of pride or enjoyment which he wishes to keep, whenever he is called upon for any contribution to the service of the state. It is therefore the singular and melancholy characteristic of the state of poverty here described, that it is one which riches cannot cure. In common cases if a man be poor, give him money enough, and he is poor no longer. But here we may almost say, that the richer the nation is, the poorer it is. It is in vain that wealth is pouring in from every quarter, and through an endless variety of channels; that it is not confined, as national wealth in truth never can be, to particular persons or classes, but is diffused throughout with wonderful exactness; or rather in larger measure, in fact, to the lower and middling orders; that foreigners, resorting hither, cannot behold without astonishment a display of wealth and enjoyment, unknown at any former time, or in any other country; that we are reproached every day from the continent with our opulence and prosperity as contrasted with the penury and misery of other countries; and are regarded with greedy eyes by the master of all the rest of Europe, as a mine of wealth, which he is longing only to get possession of; all this while we, who know these things better, are representing ourselves, as a distressed, oppressed, burthened, and above all, impoverished nation.

In the midst of this, there is nevertheless one remedy, which, if men could resolve to take it, would do away, as by a charm, all this dreadful state of poverty, and restore them in an instant to a condition of ease and affluence.—It seems like quackery to suppose the existence of such a *nostrum*, but it is explained in two words—Let every man resolve to live with no greater measure of enjoyments than his father did before him, than people of the same rank and class did forty years ago. I do not

ask that they should lay out only the same money: The same money would not now procure the same enjoyments: but that they should only require the same enjoyments. Let those who formerly walked on foot, be content to walk on foot now, and forego the use of a horse, when the price too of a horse and the expence of keeping one are so much greater. Let those whose means extended no further than to the keeping a horse, be willing to go back to that indulgence, and dispose of their gigs and whiskeys and tandems, now, too, that every article of that sort has risen to such an enormous amount. Let the former riders in gigs and whiskeys and one-horsed carriages, continue to ride in them, and not aspire to be rolling about in post-chaises or barouches, or often both in the one and the other. By this simple expedient, pursued, *mutatis mutandis*, through every class of the community, one may venture to say; speaking always of persons whose misfortunes or imprudences have not reduced them already to actual distress; that, nine tenths of those who fill the country with lamentations of their distress, all but the holders of fixed incomes of an early date, or persons in the lowest class of labourers, will find themselves instantly in a state of ease and affluence, fully able to satisfy all the demands of the state, and to lay by something as a future provision for their families.

But as the expedient, we are sure, whatever its merits may be, will never be adopted, there will for ever remain, in the feeling excited by the payment of taxes, an inexhaustible fund of discontent of force sufficient to produce any effect desired, provided means can be found to give it a proper direction. This is the great work on which the artificers of revolution are at present employed. They say to the people, you are all sensible of the burthens under which you labour: you all dislike the payment of taxes. Now what is it that carries the taxes to this immense amount? A common man would say, the immense amount of the civil and military establishments of a great empire extending over half the world; the numbers of civil officers necessary to carry on its business in time of peace, and the armies and navies, with all their attendant train of expenses, to provide for its security in case of war. But, No, say the band of patriots here alluded to, the objects here stated are, to be sure, such as cannot be provided for but at considerable expense. Wars cannot be carried on, armies and navies cannot be maintained, without money. But these expenses alone might well be borne: what sinks the country is the wasteful expenditure of the public money in jobs and corruption, in sinecure places and pensions. It is the abuses that undo us: the abuses that we must correct: and as it is parliament that sanctions, if it is not itself the great seat of, the abuses, it is parliament that we must correct and reform.

The argument is perfectly regular, and the conclusion inevitable, if you admit the several antecedent positions on which it is made to rest. The statement contains in it too all that is necessary to give it effect. A willing audience will never be wanting to statements which hold out a hope of exempting men from the necessity of paying.—Once persuade them that all their payments and burdens are the consequence of abuse or mismanagement in some part of the government, and you produce a state of feeling adequate to almost any purpose for which it can be wanted. Taxes and abuses, joined, generate a kind of expansive force, that will burst asunder even the best compacted governments. The abuses, too, serve to give a direction to the discontent and angry feeling, produced in the first instance by the taxes. They stand in the place of the abstract rights of a few years ago, and are the last improvement made in the machine for overturning states, from which it is conceived to derive a much greater heft and purchase, than in its old form of 'taxes and the rights of man.'

A number of persons are accordingly in a constant state of active search, prying about among the establishments, and winding round like a wood-pecker round a tree, in the hopes of finding some unsound part into which they may strike their beaks and begin to work: but not like the honest wood-pecker, who is only in search of the grubs and worms on which to make a meal, and is at least indifferent as to the fate of the tree. They on the contrary only take the grubs and worms for their pretext, and have for their ultimate object, to open a hole, into which the wet and the rot may enter, and by which the tree, the British oak, (a beautiful shaft of I know not how many load, and the growth of ages) may decay and perish. Did their labour really terminate in their professed purpose, did they really mean only to pick off the vermin that prey upon the state, they might be as useful as crows and jack-

daws to a flock of sheep: or should share the higher honours, which are paid, in countries infested by locusts, to the bird that rids them of that destructive insect. But to merit these honours, their endeavours must be directed to far different objects, be carried on in a very different manner, and be dictated by far different motives.

Let us consider what it is that is comprehended under this general head of abuses, which forms the great instrument whereby the discontents of a country are made subservient to the destruction of its government; which collects and compounds the separate elements of dissatisfaction, to be found floating in society, so as to prepare them for those grand explosions by which states are overthrown.

By abuses is meant, I suppose, either the abuse of patronage, the granting to favour, affection, or interest, what ought to be granted only to merits and services; or secondly, the purloining, embezzling or corruptly applying the public money. Let us endeavour to ascertain how much of either of these species of abuse exists: how much of them is to be charged to government: and how much, in any event, is likely to be corrected by what is called a Reform of Parliament.

As to the last of these heads of abuse, the purloining or embezzling of the public money; by which must be understood the transferring, by false accounts or otherwise, into the pocket of the individual, what was intended for the public service; I suppose it is hardly necessary to say, that the idea of such an offence as existing among those who constitute what can with any propriety be called the government, could be generated only in the gross imaginations of persons totally ignorant of the principles and motives by which men in such situations must of necessity be actuated. It is not a question of their virtue or probity; but of their feelings, habits, manners, and prudence. They may be, as they often are, mercenary, selfish, rapacious, unprincipled. But it is not in acts like those alluded to, that these dispositions will show themselves, even in the persons who feel them most. It might as well be supposed, that they could seek to enrich themselves by conveying away a diamond snuff-box, or pilfering guineas out of a drawer. Nothing can prove more clearly the degree to which this is true, than the commotion excited and the effects produced by any appearance of irregularity even of a minor sort, among persons in higher stations, in transactions connected with the administration of money.

With respect to the abuse of patronage, one of those by which the interests of countries will in reality most suffer, I perfectly agree, that it is likewise one, of which the government properly so called, that is to say, persons in the highest offices, are as likely to be guilty, and from their opportunities, more likely to be guilty than any others. Nothing can exceed the greediness, the selfishness, the insatiable voracity, the profligate disregard of all claims from merit or services, that we often see in persons in high official stations, when providing for themselves, their relations or dependants. I am as little disposed as any one to defend them in this conduct. Let it be reprobated in terms as harsh as any one pleases, and much more than it commonly is. But the evil from them is necessarily limited, not possibly by their desires, but by the extent to which those desires are capable of being carried. They can eat no more than their stomachs can contain. The list is small of those immediately connected with them, nor is the number unlimited of those whom they may wish to serve from motives of vanity or interest. When the leech is full it will drop off of itself.

But what shall set bounds to those streams of abuse that take their rise among the people themselves? Let us trace the genealogy; the birth, parentage, and education, of nine tenths of the jobs that are done in the army and navy, or in the other departments of the state, and see from what they originate, and in what manner they are brought forward. A gentleman at the eve of a general election, or on some vacancy in a borough or county, is addressed by some one who is, or, who, he hopes, will be his constituent, some full-grown manufacturer, or opulent brewer, or attorney in great practice, who says, 'You know my son Tom, who is in the navy. He has been for some time a lieutenant, I should be very glad, if you would get him made Master and Commander.' The candidate or member bows assent, (Mr. Such-a-one is not a man to be disobliged,) he speaks to his friend the minister; the minister speaks to the first Lord of the Admiralty, and, without further inquiry the thing is done; nobody being able to divine, of those who are not in the secret, and only know our son Tom professionally, for which of his good qua-

lities or meritorious actions he has been made, so much out of his turn, and over the heads of so many old and deserving officers, a master and commander.—Here then is a complete job, passing through several successive stages, and disgraceful enough in its progress to all the parties concerned in it, including the member, the minister, and the first Lord of the Admiralty, but certainly not *ex*-cluding the constituent, the corrupt constituent, who is no member of the government high or low, but one of the people, and the prime author and mover of the whole. When this constituent shall hereafter reproach his member, as one of a body that is all corrupt, composed of persons who think of nothing but their own interests, without any regard to the interest of the country, the member may possibly be able to reply: "The most corrupt act I ever was guilty of was that scandalous job by which I bought your vote and interest, when, contrary to all right and justice, I procured your son to be made a master and commander."

We have here the history of a job, which though springing from a root, that lies totally among the people, is supposed not to confine itself to the place of its original growth, but to extend into the parliament, and into the executive government. With a view, however, of shewing the temper of some of these declaimers against abuses, let us take another case, (not more difficult, I hope, to be met with), where, after inquiry made, either the member, or the minister, or the first Lord of the Admiralty has virtue enough to say, that the pretensions and merits of the person in question are so small, and the injustice of promoting him would be so great, that in spite of all the wish that one of them necessarily has to promote his own success, and the others may have to promote the success of an important parliamentary friend and adherent, and much as it may even be their duty to promote by all honest means the success of one, whose conduct in parliament is likely to be what they think right, they feel it impossible to comply with the application that has been made. Is it quite certain, is it quite a matter of course that the author of the application, this inveigher against the corruptions of the times, is satisfied with this answer; that he does not turn away with a sulky look from his late friend, and without disputing at all the truth of the reasons on which the refusal is founded, of which he perhaps was more fully aware than any other person, or which he does not consider as being any thing to the purpose, that he does not signify in plain terms, that his rule is to 'serve those who serve him;' and from that moment does not transfer himself and all those whose votes he *commands*, to the other side, taking what is called the independent line, and exhibiting himself among the first bawlers against the corruptions of the great, 'who think of nothing but their own private interests?'

Here at least is an instance of abuse, which while it begins with one of the people, ends there likewise, and does not touch the government or the parliament at all. And such, we may venture to say, is the case of nine-tenths, or rather ninety-nine hundredths of the abuses complained of. The whole country, it is said, is full of abuses, from top to bottom. I believe so: with this correction, that the description would be more just if we were to say from bottom to top; it being here as in other *media*, the parts of which are left to move freely, that the lower *strata* are the denser and grosser, and that they become rarer and purer, the higher you ascend.

We have already seen to what source may be traced the greater part of the abuse of patronage, an abuse, which with the others is to be cured, I suppose, by the favourite remedy, an extension of the representation, that is, by multiplying a hundred fold the chief causes to which it is to be at present ascribed. But if of this the far greater part is found to lie in the people themselves, who cannot otherwise be brought to support the very government which they thus reproach for yielding to their venality, what shall we say of those abuses, more properly so called, and upon which the people are much more intent, though they are really perhaps less important, viz. the various instances of fraud, embezzlement, peculation, and imposition, by which the expenditure of the country is swelled far beyond its natural size, and a million or two possibly taken from the pockets of the people, over and above what the real exigencies of the country require? This is the part that we chiefly hear of; and very proper it is that we should hear of it; but let us take care that we impute the blame to the right quarter, that we put the saddle on the right horse. With what approach to truth or propriety do we speak of these abuses, as abuses in the government? Who are the persons whom we mean to designate under the name of

Government? What are the abuses complained of? and by what description of persons are they committed? Is it an abuse in the government, that is, in the members of the cabinet, and the persons holding high offices, including if you please the Parliament, that a store-keeper, or commissary in the West Indies, or in Ceylon, embezzles the public stores, or sends in false accounts, by which the public is defrauded? Is it corruption in the Chancellor of the Exchequer, or in the ministry or parliament collectively, that gross frauds are daily and hourly practised on the revenue; that the taxes are eluded; that false returns are made; that excise and custom-house officers are perpetually bribed to betray their trust; that the tribes of officers, high and low, at home and abroad, of more denominations than can be enumerated, which an empire like this is obliged to employ in its service, are often more intent upon advancing their own fortunes, than upon discharging their duty or guarding the interests of the public; and that all those, not being persons in office, with whom the government must occasionally have dealings, have no consideration, but how to make the most they can, and to cheat the public by every means in their power? I should be glad to know, how many of these arraigners of the profusion of the government, if they had a piece of land to sell in the neighbourhood of a barrack or military hospital, would limit the price they asked by any other consideration, than what they thought the necessity of the case would compel government to give, or would scruple, if they saw any prospect of success, to bribe the barrack master, or other officer, to betray his trust, and contribute to give effect to their exactions. It is, in the first place, perfect folly to talk as if the parliament and the government, the parliament (being a body that neither in fact nor theory can know any thing of the matter, and the government consisting of some ten or twenty persons, the members of the cabinet, and a few of the heads of great departments) can be responsible for the individual conduct of the thousands and thousands of subordinate officers and agents, who must be employed in the public service, and who are distributed, far and near, through all parts of a widely extended empire: to say nothing of the fact, that the greater part of these are obtruded or palmed upon the government, by persons not being themselves in any office, but in the strictest sense a part of the people, and who are thinking of nothing but to serve, by whatever means, their own friends and relations. In the next place, these frauds committed by persons within the pale of the government are for the most part of a sort, that imply a confederate without. Like other acts which are sometimes blameable, but which, in the nature of things, cannot be dispensed with, they require of necessity two parties. If the exciseman connives at the frauds of the brewer or the distiller, it is the distiller and brewer by whom he is bribed to do so. If the custom-house officer permits false entries, and allows goods to be imported or exported without the proper duties, and thereby affords an example of an abuse committed, (if any one chuse so to describe it,) by one of the government, meaning a custom-house officer, what are we to say of the merchant or trader, by whose bribe he has been induced to do this? who, it cannot be disputed, is one of the people and one of the people merely, and very possibly, with the distiller, brewer, or tea-dealer, one of those who think that the country can never thrive, till a radical reform shall have put an end to abuses. The fact is, that when the matter comes to be searched to the bottom, it is the people throughout, who are cheating the people; the people individually cheating the people collectively, and then finding in their own frauds and knaveries a reason for tearing to pieces the government. How is government a party to these frauds? Even in respect to patronage, the part in which the government, properly so called, will be found most to offend, it is not ascribing much to persons, at the head of departments, to suppose, that when their own immediate connections and dependents are satisfied, they would be willing to promote good men rather than bad, if they were not controlled and compelled by the insatiable demands of those, whom they cannot disoblige without renouncing the means of carrying on the public service, and who never think for a moment of merit or demerit, or of any thing else, but of providing for those, whom, for some reason or other, they wish to serve. So, in respect to pecuniary abuse or waste, it is no great compliment to a Chancellor of the Exchequer to suppose that he is desirous of making the taxes as productive as possible. We need not look to his virtue or sense of duty as a security for this endeavour. His own interest will be a

sufficient pledge, and particularly that interest which it is most the fashion to throw in the teeth of public men, namely, the desire of keeping his office. The crime of government, therefore, in almost all these instances, is that of not being able, with all its efforts, animated even with the strongest sense of self interest, to prevent the crimes of others. The people in all quarters and by all opportunities are preying upon the public, and then make it the reproach of the government that it has not the power to prevent them. Such a reproach might, it is confessed, be well founded, if a failure in the performance of this task on the part of government, proceeded from neglect, remissness, or want of proper zeal. But besides that interest, as was before observed, concurs here with duty, let us see how the matter stands, on a consideration of what would be in the power of government, supposing exertion to be pushed to the utmost. What is the sense of supposing that government must be able to do with respect to the public, what no man is able to do in his own affairs and family? Who is there that can boast to have established a system of superintendance so complete, or to be blessed with a set of servants of such rare honesty and so attached to his interest, as not to leave him a prey to innumerable abuses, greater or less, in his stables, his still-room, his kitchen, his butler's pantry, in every department in short of his household? If this is the case of men acting in the management of their own private affairs, and may be predicated, with truth probably, of every domestic establishment in the kingdom, down even to the most limited, what shall we say of the reasonableness of the expectation, that any zeal or strictness in thirty or forty persons, (or in ten times that number,) who can be described with any propriety as forming the executive government, shall be able to exclude abuses from the innumerable subordinate departments, over which they are to preside? The amount of abuse, be it observed, incident to establishments, does not increase merely with the size of the establishment, so as for the abuse in larger establishments to bear the same proportion only to the establishment itself, as in smaller ones; but rises at a much greater rate; first, because the superintending power, the number of persons having a direct interest in the well-being of the whole, cannot be multiplied in the proportion of the establishment: secondly, because the parts are further removed from observation; thirdly, on account of the complication and mixture of interests which increases beyond the increase of the number of objects; and lastly, from the greater laxity apt to prevail in respect to frauds upon large funds, compared with what may be hoped towards funds more limited. We see every day what a total want of feeling there is about the expenditure of money, which, being money of the public, seems to belong to nobody. This indifference about expending will be attended with a correspondent laxity in appropriating. As the scale of expenditure becomes larger, the injury sustained by the state from the loss or mis-application of any particular sum becomes less perceptible; and men yield with more facility to the argument, that what is a great deal to them the country will never miss. This is the morality, I fear, of a large portion of the nation, and I am sure is not least found in those who emphatically stile themselves "the people." Yet with a system of public probity thus relaxed, in the midst of a public thus disposed to prey upon itself, and upon a scale of expenditure like that which must of necessity prevail in an empire like this, it is thought a reason for breaking up the government, that it cannot exclude abuses from our establishments, to a degree which few persons find attainable, in the management even of their own little domestic concerns. It is our business, no doubt, to keep those abuses as low as possible; and the more corrupt the public is, the more are such exertions necessary: but, let us not complain that we do not attain what is not attainable, and above all let us understand the fact truly, that the corruptions charged are, except in a few inconsiderable instances, not the corruptions of the government, but the corruptions of the people, which the government is unable to prevent.

—Having thus far examined the nature of the charges, let us inquire a little whether there is any thing which we are bound to yield to the authority of those, by whom they are brought forward. I do not know why the members of this house, or of any other body, are to stand quietly by, and hear themselves stigmatized collectively with all sorts of opprobrious epithets, which they do not feel individually to deserve, without so far retaliating upon their revilers, as to ask with submission, who they are, who by thus dealing out their invectives to the right and left, seem to arrogate to themselves the character of

being the only honest men in the world. We want to know a little upon what they found their pretensions. After defending ourselves as well as we can, we may be allowed to exert a portion of the freedom, which they so largely take with us, and desire to be informed, what are the pledges which they have given, what the sacrifices which they have made, as vouchers for this integrity and public spirit, which they seem to consider as found no where but with themselves? A reputation for patriotism seems to require for the attainment of it less than is necessary for the acquisition of any other object, however trivial. Nothing seems to be requisite, but the assurance which gets up and says, I am the only honest man, all others are rogues. Indeed, the former part of the declaration seems hardly to be called for: if the abuse of others is sufficiently loud and general, the honesty of the person himself is assumed as matter of course. No trial or examination is necessary, no previous stock of reputation, no evidence from former conduct; the trade of a patriot, like that of an attorney or apothecary, is of the class of those which may be set up without capital. I should be glad to know, for instance, what are the sacrifices which have ever been made by the hon. bart. (sir Francis Burdett) as the foundation of that high tone which he assumes with respect to all unfortunate public men who have ever been in office. I am far from meaning to insinuate, let it be remarked, that the hon. bart. would not be ready, at any time, to make all the sacrifices to his principles that could be called for; but I mean to say, that none such having been called for, none have in point of fact been made. On the contrary it has so happened that the hon. bart. has got by his patriotism, by the natural, spontaneous, (unlooked-for if you please,) effects of his patriotism, all that many men have been willing to obtain, or have pursued without obtaining, at the expence of half their fortunes. By this no credit may have been lost to the honourable baronet, but none can be gained. Virtue can only be proved by trials and sacrifices. A man cannot shew his disinterestedness by what he gets, however honestly he may come by it. No one surely will pay so ill a compliment to the hon. baronet as to give for a proof of rare and distinguished virtue, that he has never asked a favour of any minister either for himself or friend. How many might make the same boast; who yet never thought of inveighing against all the rest of the world as corrupt and dishonest. And after all what does the boast amount to? With respect to friends, the praise is rather equivocal. A man may happen to have no one, who is at once capable of being served by place or appointment, and for whom he is particularly anxious. And as to office for himself, is it known that the offer was ever made to the hon. baronet? or that he himself ever wished it? With a large fortune, and all the comforts and pleasures of life before him, he may never have thought the pride or power of office a compensation for its cares and constraints, or even for the privilege which he now enjoys of railing at those whose feelings upon that point have been different. The merit of sacrificing office can alone be found among those, for whom office has charms; and upon that principle the hon. bart. must not be surprized, though in other respects he will no doubt, if I look for proofs of political virtue, to be contrasted to any on his part in quarters from which he would turn with scorn, as the very hot-beds of all corruption. What will the friends of the hon. bart. say, when they hear me quote for my instance, the conduct of Mr. Pitt? The general career of Mr. Pitt's political life, and his administration of the affairs of this country, during the great crisis in which he latterly acted, I perhaps as little approve as the hon. bart. can do; though for reasons altogether different: but one of the very charges which many might bring against Mr. Pitt, is the pledge of his merit in the instance to which I am alluding, I mean the instance of his resignation of power in the year 1801. It is no reproach to Mr. Pitt to say that he was an ambitious man. It may be something of a reproach, though I am afraid the fact is true, that his ambition showed itself too much in love of power and office. The habits, in fact, of official life had begun so early with him and continued so long, that they must have become a second nature; place and power were almost among the necessaries of life; yet with all those feelings upon him, original and acquired; with a possession of power, longer enjoyed and more firmly established than can be found possibly in any other instance, not excepting that of sir Robert Walpole, with a perception as quick, as man ever had, of what was likely to be useful or prejudicial to him in any political step, Mr.

Pitt did not hesitate in withdrawing from office, at the period alluded to, the moment he found it could be no longer held, but upon terms inconsistent, as he thought, with his duty, and derogatory from his character. It is in vain to say, that this might not be an act of pure virtue, but be mixed up with feelings of shame or policy, or others of that sort. There is no end of such objections; which after all, can make no difference here, where we are upon a question of comparison; since, if admitted at all, they must appear equally on both sides of the account. It is just as easy to say, that the hon. bart. in the course which he has pursued, has acted with a view to what he has got, as that Mr. Pitt on the occasion alluded to, acted with a view to what he did not get. The exact measure of virtue that enters into any act, can be known only to the searcher of all hearts: We must be content to take for virtue what contains all the usual indications of it, and produces all the effects. There is no reason to suspect the sacrifice thus made by Mr. Pitt to be less genuine than it purports to be. He did not sacrifice what he did not highly value: and no man was more likely to foresee what the event proved, that ministerial power, which owes so much to the length of its continuance, could hardly, after an interruption, be ever completely restored to what it was before. The hon. bart., I have no doubt, had the occasion been offered, would equally have shewn that personal considerations had no weight with him, when placed in competition with the calls of duty, or even with those of honest fame. But the opportunity, as far as I am aware, has never been afforded him; and no one can be allowed to claim the same credit for what he has only intended and believed himself capable of doing, as others for what they have actually done.

Upon the whole of this subject of the corruptions of the great, we may venture to say, that, be their virtue what it may, it is at least equal to that of the persons by whom it is arraigned. There are very few men in public life, who could not, if they thought it worth while, if they could bring themselves to be proud of merit so little rare, quote instances of sacrifices which they had made—to duty, to point of honour, to estimation of friends, to party spirit, if you please, but to something far superior to the mere sordid desire of profit or emolument,—which the greater part of these patriotic declaimers could not only shew nothing parallel to in their own conduct, but would not, as far as related to themselves, dream even to be possible.

So much for this great topic of Abuses, which is now made the foundation stone of the system, and gives to the authors of the system all that was wished by the philosopher of old, a place on which to stand, on which to erect their machine, which when once fixed and applied, will be of force, they hope, to effect the grand and ultimate object, the overthrow of the state. By far the greater portion of abuses, even of those which do finally reach the government, proceed from the people themselves. They are the bribes which government pays to the people, directly or indirectly, to prevent them from pulling the government to pieces. This is more especially exemplified in that worst and most pernicious species of abuses, though by far the least complained of, the abuse of patronage. But the great mass of abuse, that which forms nine-tenths, at least, or, more probably, ninety-nine hundredths of the whole, and which alone directly affects the pockets of the people, both begins and ends with the people themselves, and consists of the frauds, impositions, embezzlements, and peculations, committed by the tribes of officers, high and low; (with the exception only of the highest); who, though employed in the public service, must still, in every rational view, be considered as part of the people, as well as by all those, who, not being in any, even the most subordinate office, have still occasional dealings with the public, or opportunities in some way or other of turning its interests to their account.

The mode proposed for putting a stop to these abuses, is to reform the parliament; that is to say, to have a scheme of representation, which while it arises equally out of the people, shall be the result of a greater ferment on the parts nearest the bottom. Could it be believed, without proof from the fact, that men could be found seriously to indulge speculations so destitute of every foundation in reason or common sense? The reform wanted, is either a reform of the whole people, which it is childish to hope, or a reform in the government, by arming it with such new powers, as would be wholly incompatible with the nature of our free constitution. There are but three ways in which mankind can be governed; by

their virtues, their interests, or their fears. To be able to govern men by their sense and their virtues is unquestionably the best of all. If men will be ready always to support gratuitously what they think right, and to oppose nothing but what they conscientiously believe to be wrong, the task of government would comparatively be easy, and corruption without excuse. The minister would have nothing to do but to choose right measures; and the merit of the measure might be expected to ensure its success. But if the fact should be, that there are numbers who cannot be brought to support even what they themselves approve without being paid for it, and who, if they have not been so paid, or think they can get better payment elsewhere (whether that payment consist in place, or money, or popular applause, or the gratification of some malignant or selfish passion,) will combine and cabal, and create every sort of obstruction and impediment, there is then no other way, in a free government, for the purpose of carrying on the public service, but to gain over such persons by their interests, which, in the language of the time, is to be guilty of corruption, but a corruption surely of which the guilt cannot fairly be charged on the government. In governments indeed of another sort, such as that which makes so conspicuous a figure in the present times, I mean the government of Buonaparté, the case is altogether different: and no more necessity exists for corruption than in a nation of men perfectly wise and virtuous. He (Buonaparté) is under no necessity to bribe men's concurrence to measures that are for the interest of the country, and has, moreover, methods far more effectual than any which free countries possess, to prevent the abuses arising from fraud, or peculations. A man who could hang without ceremony a custom-house officer who should be found conniving at any fraud on the revenue, and hang or send to the gallies the merchant who should bribe him to such connivance, may be pretty sure of confining within reasonable bounds all abuses of that description. The same will be the case with any other species of abuse. But how, in countries where conduct is free, men can be prevented from selling that, which they will not consent to give, or how, where law is formal and scrupulous, and beset on all sides with guards and defences for the protection of innocence, it can be made to retain, in all cases, sufficient celerity for the overtaking of guilt, are problems, with which the authors of these complaints never seem to trouble themselves. They call boldly and loudly for the suppression of abuses; and if the suppressing abuses was the only object to be attended to, the task would be easy. There is a government in the neighbourhood, that tells us how that work is to be done. I will pay this homage to Buonaparté's government as to say, that it either is, or may be, one of the most free from abuses of any that ever existed. But will the clamourers for this salutary reformation be content to have it upon the same terms? We have seen already, what the nature of the greater part of these abuses is, and from what source they spring. And do not let us take this upon trust. Let those who doubt, go into the inquiry, and examine one by one, the instances in which they complain that the public money has been transferred wrongfully into the pockets of individuals, or the public patronage perverted, and see what the utmost extent is of that portion, which has been appropriated to the interests of ministers or of those for whom they were personally anxious.

Upon this issue we may suffer the question to rest, considered as part of a general system, which aims at a great change in the constitution (a subversion of it as I should say) under the name of reform, and grounds the necessity of such reform upon the extent and number of the subsisting abuses. It remains only that we say a few words upon the more narrow view of the subject as introduced by the hon. mover. The direct end and object of the motion, as we collect from some passages in his speech, the specific effect which he means to produce, is that of erecting a barrier to the too great influx into this house of the monied interest. The means proposed are such as cannot but be approved, if the description of them be true, viz. that they consist entirely in the correction of a practice in the highest degree corrupt. The consequences, as usual in such cases, are to extend far beyond the removal of the immediate complaint, and to benefit the constitution in a thousand ways. It happens whimsically that the primary object of the mover, (a pretty important one, and requiring, one should think, a good deal of nice consideration, namely the altering the balance between the landed and the monied interest,) seems to be no object at all with those to whom the motion is principally addressed, and not much indeed to the

hon. mover, if we may judge by the small portion which it has occupied of his speech. It slips in almost by parenthesis. It is lost and hid, in the splendour of the incidental consequences which the motion is to produce, in the confidence it is to restore, the unanimity it is to inspire, the heats it is to allay, the effect it is to have in silencing gainsayers, the foundation it is to lay of a new and glorious era, from the commencement of which nothing will be known but a determination to live and die by the constitution. What a pity that prospects so bright, and which my hon. friend contemplates with such unspeakable satisfaction, should be so soon obscured! Never was hope so sanguine, so suddenly blasted! It is nipped in its first bud. It does not live to the second reading. It is consigned to the tomb almost at the moment of its birth.

Oh just beloved and lost, admired and mourned!

This medicine, which was to produce such wonderful effects, which was to operate like a charm, so pleasant to the taste, so comfortable in the stomach, has totally falsified the first prediction respecting it, namely, that it would be taken with great avidity. What it may be in the stomach, we cannot well say; for those for whose special use it was intended, who were to seize it so greedily, will not suffer it to remain within their lips; they spit it out upon the hands of my hon. friend, while he is in the act of administering it.

Much useful instruction and information may be derived from hence as well to my hon. friend as to ourselves. My hon. friend, I hope, will learn a lesson, of great utility to all reformers, to distrust a little the more remote consequences of their measures, when they see how liable they are to error, even in those which they expect to take place immediately. The house, it is hoped, will learn this distrust with respect to the measure now proposed. It is no great recommendation of any medicine that its effects are totally mistaken by the person who advises it. All our confidence in the physician is already lost. The only certain knowledge which we have as yet of the measure, is that it will *not* do what the hon. mover predicted of it. It will not satisfy those, who at present inveigh against the abuses of the system, and contend that it ought to be reformed. On the contrary, they say that this measure, unless accompanied with others far more extensive, will only make things worse. I have already endeavoured to show that the practice meant to be corrected, has no crime in it abstractedly considered; is not *malum in se*. It is culpable only as it may be made so by law, or as it may practically be found to produce effects injurious to the public interest. When opinion out of doors is urged as a reason for adopting it, the answer is, that opinion out of doors is a very bad reason for adopting any measure, inasmuch as there can hardly be a worse criterion of what is really for the public benefit; and that, after all, the public opinion does not call for this measure separately and unaccompanied with others, which the hon. mover would declare, that he does not wish to see take place. The inducements, therefore, to a compliance with the present motion lie in a very small compass indeed. They are simply its own merits; for, as to the splendid incidental consequences dwelt upon with such rapture by the hon. mover, they are all at an end. There will be no satisfaction produced. What is called "the public" will not thank you for the measure, otherwise than as it may be made a subject of triumph, and a stepping-tsone to other objects. The objections to it on the other hand, are the dangers of this triumph, and of those other objects to which it is meant to lead. Upon the result of these opposite considerations, first examined separately, and then compared together, I have no hesitation in earnestly conjuring the house not to adopt the motion. The practice complained of has subsisted at all times, without any ground to suspect, or any suspicion being in fact entertained, that, according to the discovery now made, it has been sapping and undermining the constitution. The reasons in support of the measure now proposed for the abolition of it are perfectly unsatisfactory and inconclusive. We know the mischievous use intended to be made of it; and there can hardly indeed be any thing more mischievous in the first instance than the yielding to public clamour, what we do not feel that we are yielding to truth and reason.

Mr. *Bathurst* said, of two dangers he would prefer that which was most open and avowed. When Mr. Horne Tooke presented his petition to that house, the statements it contained were not credited, though now they were admitted to be true. He thought the house ought to take notice of practices, which, to whatever degree they might have existed, had never been till lately avowed. The right hon.

gent. (Mr. Windham), thought corruption, unless it was such as rendered a man odious in society, ought not to be noticed; he thought the law of the land ought to be equalized so as to meet such abuses, seeing those abuses could not be considered as a part of the constitution. He thought it the duty of parliament to avail themselves of some of the provisions of that bill, to satisfy the people, and put a stop to such abuses.

Lord *Porchester* said, the bill had been opposed because it did not sufficiently further a parliamentary reform on the one hand, and for a contrary reason on the other. If he gave 5,000*l.* among 10 voters, he would not be considered as qualified to sit in that house, but if he went to a broker and gave him the 5,000*l.* at once, he would procure him the necessary votes, and he would be considered as a good member. He did not see the propriety of such a distinction. The bill, he thought, if suffered to go into a committee, might be rendered efficacious in no inconsiderable a degree. He then spoke of the superiority of our constitution as it was at present over every other country. This was strikingly exemplified in the tranquillity and security of England, at a period when Europe was groaning beneath the most tyrannous hand that ever swayed her destinies. The constitution had never approached so near to perfection as at the present day. The independence of the house had been strongly marked by their conduct with respect to the duke of York (whatever might have been said to the contrary), as well as in the case of lord Melville. If they did not then deserve the name of the House of Commons, they never had merited that appellation. He censured severely the conduct of sir F. Burdett, in representing the late decision of the house of commons in the case of the duke of York, as he had done, and contended that the house had not virtually acquitted the duke.

Mr. *Tierney* said, if the design of the noble lord who had just sat down was to prove himself an honest man, he might just as well have remained silent, for certain persons would never think either him or any one else so, who did not acquiesce in all the chimeras of the hon. baronet (Hear! hear!). It was the design of him and his friends to excite such an opinion among the people; and he believed, in his soul, it was also their wish not to have many supporters in that house, lest their designs should fail, and the public would begin to think too favourably of the house. It was their desire to raise a popular ferment, by talking of abuses which often had no existence, and by vaunting of remedies which they never meant to put in execution! Far was it from their thoughts to come manfully and constitutionally down to that house and state their complaints, if any such they really had. No, it suited them better to make harangues at taverns, to mount the tables at the Crown and Anchor, to tell the people to meet as the people, and look not for redress to their representatives, who were no longer fit to be called an House of Commons. It was their plan to raise a cry by which the infatuated multitude might be hurried to their ruin, by hinting at corruptions which never had existence, and rousing expectations which never could be gratified. Now that the hon. baronet, whom he did not mean to designate as the leader of the party, (a distinction in his mind due to others who did not choose to appear so openly as himself) had favoured that corrupt house with his pure presence, he wished to put a few questions to him as to one of his reputed harangues at the Crown and Anchor, which pointed pretty plainly at his (Mr. Tierney's) character. Broad and indelicate were the freedoms which had been used with his name and political life in the course of the speech to which he alluded; and in one part of it the worthy baronet was actually represented as having the audacity to say that on his (Mr. Tierney's) retiring from office, his pockets were filled with the public money. Was this charge true? He now demanded of the worthy baronet, would he dare to repeat his assertion? If not, he would recommend it to him not again to vilify the name and character of an absent man; or if he did not so vilify it, to take care that a correct report of his real sentiments should go forth to the public. How did he know what effect such insinuations might have in the course of the summer? How could he hope not to be attacked by some seditious mob, roused against him by such unfounded calumnies? (Hear!) Such an assertion was directly false, and he called on the worthy baronet either to deny or to own it. He did not know how the worthy baronet could bring himself to make such an assertion; for his amiable manners in private life, and his conciliatory conduct, were proverbial. No man could be more mild than he was

until he mounted the rostrum at the Crown and Anchor; then all was changed, all was abuse, and as far as related to him, calumny. In this instance, not only his design, but his ignorance, was exposed; and to prove it, he would offer the worthy baronet, if he wished to turn a penny honestly, (loud cheers) some thousand pounds, provided he would take on him the profit and loss of his political speculations. But what were the worthy baronet's qualifications for this general censorship? What had he ever done? What feats had he performed? Why, indeed, he had harangued the mob and mounted the tables most eloquently at the public taverns. (Hear, hear!) He had never warded off any real danger, but had fluttered about during his public life, a political sea-gull, screaming, and screeching and sputtering about foul weather which never arrived. It was true the worthy baronet had never been troubled with office; the reasons for that might be various; perhaps the cause might have been his own disinclination; perhaps his immense fortune might have exempted him from its cares; or perhaps he had never been importuned upon the subject. Certainly he (Mr. Tierney) had been in office, for he had not such a fortune as could support him as independently out of it, as the hon. baronet, and he might perhaps, be compelled to live upon bread and onions, when the worthy baronet was faring sumptuously. (A laugh.) As to his tavern harangues, they might go on for him as long as the worthy baronet chose; and he was welcome to attack whatever political changes or tergiversations he chose in his conduct—let him spout away—if the people believed it, well and good—if not, why then the worthy baronet would enjoy the applauses of his speech, and he (Mr. T.) would have the satisfaction to think no one believed a syllable of it. (Hear, hear!) Let him mount the table, and cry, "They are all rogues and rascals, I am the man for you, the honest man! We must lay the axe to the root. We must have a radical reform"—and then there would be a general huzza, and the worthy baronet might retire, covered with glory and highly delighted at his popularity! (Hear, hear!) One hon. gent. of the worthy baronet's friends (Mr. Wardle) had made a great discovery, it appeared; he was to demolish the Income Tax! (a laugh.) Now, he liked this well; indeed he never was so pleased in his life as when he first heard of the discovery. It was the pleasantest way of laying the axe to the root he had ever imagined. (Hear, hear!) He was sure it would gratify the Chancellor of the Exchequer wonderfully to be able to strike off eleven million and a half of taxes. Now, he had at last found out the reason why the hon. gent. and the Chancellor of the Exchequer were perpetually complimenting each other. No doubt they were pulling together all this time. Indeed, if the plan was realized, it would be exceedingly diverting; but if it was only a fallacious assertion, held out for the wicked purpose of exciting discontent, it was one of the vilest and most execrable insinuations. He now called upon that hon. gent. to produce his plan, or stand convicted in the face of the world. As to the worthy baronet, he also called upon him solemnly to state the truth or falsity of the expressions with which he charged him. He might be superior to him in point of talent or ability; but superior he could not be in political integrity; and he boldly challenged him to a comparison of their lives. that their deeds might speak their deserts, and vile calumniators become silent.

Sir *F. Burdett* said, that he had not used the particular expression to which Mr. Tierney had alluded; that he could not answer for the correctness of the reporter, and that, for any expression which he really did use, he would be personally responsible.

Mr. *Wardle* denied having ever said that he had a plan to liquidate the Income Tax; he had said that he had plans of economy by which many millions of the public money might be saved; and these he was ready and willing to produce.

Lord *Milton* spoke shortly in favour of the motion.

Sir *R. Milbank* also supported the motion, and pledged himself to join the advocates for a parliamentary reform, whenever it should be brought forward.

Mr. *William Adam* was disposed to allow the bill to go into the committee, because the many objections that applied to it in its present shape, might be removed in the committee.

Mr. *Lyttleton* observed, that from the tone which the debate had assumed, he should look upon himself a traitor to his opinion, and a coward with respect to his duty, if he omitted to state the impressions upon his mind. He was certainly not prepared to go the length of the hon. baronet (sir F.

Burdett), but at the same time he could not agree with his noble friend, that the decision upon the case of the Duke of York had not shewn that there was some deficiency in the composition of that house. He could not admit that the manner in which that illustrious person had resigned his office, had not prevented that house from passing, in some shape or other, a Vote of Censure upon his conduct, which must have led to his removal from office. It was his opinion that there had been in that house a bias towards that personage, which justified his hon. friends in imputing it to a degree of real corruption. But if even that were not the case, he was sure, that certain admissions which had been made in the house that night would fully warrant the imputation of corruption. For his own part, he was not prepared to say, that he expected any very important beneficial effect from the measure before the house. But the rejection of it at the present moment would amount to a proof in the mind of the public, that the house of commons was determined to cast a veil over the corrupt practices which had been brought to light.

Mr. *Barham* rose, merely to put a question to an hon. gent. (Mr. Wardle). That hon. gent. had asserted without doors, and had repeated the assertion in the house that night, that a sum of eleven millions had been added to the taxes, in consequence of the corruptions and abuses of that house. His object in rising, was to ask whether the hon. gent. had given notice of any motion upon the subject; and, if he had not, to press upon him the necessity of giving such a notice, which might lead to a decision upon that point, before the close of the present session.

Mr. *Wardle* said, that before the end of the session he should state the grounds upon which he had formed the opinion contained in the assertion alluded to by the hon. gent. In order to prove that assertion, it would be necessary for him to move for voluminous papers, which he could not expect to be produced before the close of the present session.

Mr. *Curwen* rose and said:—Mr. Speaker; in rising after the house has been so exhausted, and after the able discussion which has taken place, it would be presumptuous in me to think of detaining them long if my strength would permit of it. In justice to myself and the important measure which a sense of duty could alone have induced me to bring forward, I have to entreat a farther continuance of the indulgence I have already received, which I neither can, or will abuse.—I cannot but regret, from the difficulties I have met with, that the conducting of this bill had not been placed in more able hands; on the purity of my intentions must rest my present defence and apology. I shall as shortly as possible, after a few observations on the arguments which have been advanced in opposition to the principle of my bill, endeavour to explain more fully my own views on the subject.—I am undoubtedly placed in a very novel and singular situation: I have to defend the measure against opponents who are at complete variance, and whose arguments refute and answer each other; agreeing in nothing but the vote they shall give against your leaving the chair. Those whom I should distinguish as the legitimate and natural opposers of the principle of the bill, are such as contend for the perfect purity of this house as it is; as well as others who consider the system as practically perfect, and that all change is therefore unnecessary.

Sir, those who argue that corruption is requisite, and that as such, it forms a part of the constitution, and contend further, that we cannot have the blessing of one without the other—I have but one observation to make in reply to them: I am aware that time has established a prescription in favour of poets and lovers, and sanctioned their representing as perfection that, which, to indifferent eyes, appears a defect and blemish; but I know of no authority that can justify the extension of this principle of enthusiasm to the sober and experienced statesman. If I am compelled to subscribe to the sincerity of such arguments, it must be at the expence of the judgment of those who profess them. However specious, however ingenious such arguments may be, the generality of mankind can view them in no other light than a satire and libel upon the constitution.—The speeches of a right hon. gent., and an hon. baronet, afford the strongest arguments of the necessity of some such measure as I propose.—Is there any man within these walls, that is at a loss to distinguish betwixt the fair and inseparable influence of property, and the corrupt influence of money given for the purchase of the election franchise? Has it ever occurred within this house for the last 240 years, to have a defence set up to justify the purchase of seats

in parliament? Do not our statutes and journals concur in declaring the purity of parliament to be essential to its existence? To the hon. baronet I am more obliged and benefitted by his opposition, than I could have been by his support; he speaks out, and tells us, such practices render us no longer a house of parliament, that we no longer deserve the name of representatives of the people—whatever may have been the practice of former periods, it is now, for the first time, that all decency is lost. I think I am justified in drawing this conclusion, that the traffic in seats is become so common and usual, that all feelings of shame and impropriety are destroyed.

The sentiments of the hon. baronet, however harsh and discordant to our ears, have too much truth to be overlooked; the sophistry and ingenuity of the hon. gent. can neither hide them from the house nor palliate them to the public; nor have we a right to expect the respect of the people, when we cannot respect ourselves. Most singular is that species of defence, that justifies the corruptions of one age by a comparison with those of another. The hon. member who was so successful in pointing out the flagitious conduct of former periods, has fully proved the benefit that would have accrued from a more early reform of this house. To have proved our title to superior purity, he should have compared the present means of corruption with those of former times, and shewn us there were fewer placemen in parliament; that loans and contracts were less numerous, that the pension list was reduced, and that the harvest of honours was less abundant.—The taste of the times in this, as other respects, is changed; the temptation to adventure in lotteries in former times, was the number of small prizes; at present, it is the capital prizes alone that form the allurement. I believe the same principle is applicable to corruption.—The grounds upon which the house is called upon to put a stop to the traffic in seats is, the open and unblushing disclosure of the practice. It is become, as has been truly said, as open and indisputable as the sun at noon day.—What is the sensation this has produced in the public mind? Let me ask, gentlemen, has there been a public meeting in any part of the kingdom that has not expressed their sentiments upon the necessity of the reform of parliament? Do those gentlemen who contend against putting a stop to the sale of seats in this house, flatter themselves their arguments will convince those out of doors, whatever they do those within, that such things are right and ought to be tolerated? If they account us of any authority, the unvaried opinion of all former times, are they not in direct opposition to them? The honour, the dignity, and security of this branch of the legislature, is recognized to depend on its purity.

The best and most esteemed writers upon the constitution are agreed, that the esteem and veneration of the people is the foundation of the democratic part of our government.—Can those who are best willing to contemplate the present crisis, overlook the peculiarities of the present moment? In all other times, the people have addressed their complaints to us, and looked to this house for redress. Is that the case now? What has produced this conduct, so different from former times? Does it proceed from the people having more or less confidence in us? In answer to those who say, how has the nation thriven, and could this have been the case if the system had been so ruinous and bad as is now represented? Sir, there are who will equally contend, that hitherto the exertions of the people have been a counterpoise to those growing evils. As proofs, they point to the accumulation of our enormous national debt; the oppressive burdens under which the nation labours. They charge the facility with which, for the last hundred years, we have entered into wars, and the pertinacity with which they have too frequently been persevered in; the pliability of parliament they attribute to the defects of its construction, as well as all the other evils under which they suffer. The people loudly express their disbelief that any one would sacrifice every six years five thousand guineas to procure a seat in this house, without having views that it would be unbecoming in me to state. Sir, with such sentiments entertained of us by the public, is there any rational hope we can regain our lost consequence, or re-establish ourselves in the public opinion, whilst we suffer the continuance of a practice so degrading. Our nakedness is so apparent, that unless we are determined to renounce all sense of modesty, some measures must be taken: our neglecting will be considered as equal to refusing to act, and must disgust all the sound and virtuous part of the community. All those who wish our destruction, (if

any number of such there be) will rejoice if we omit to put an end to such practices. It will be in vain to condemn the practice hereafter, if, after its present notoriety, we do not put an effectual stop to it.—Those who argue the present feelings of the people will soon subside, and that in a short time their demands for Parliamentary Reform will be forgotten, appear to me to have taken a very superficial view of the state of the country. I cannot believe the people of England to be so besotted as to look with indifference upon the most important of their privileges.—The pride, the boast of this nation, has been in its right of chusing the persons, into whose hands they should confide their lives and property. This is the source from whence has sprung that spirit which has made us able to distinguish ourselves beyond all other people, in comparison to our physical force; withdraw this prop, and what must be the consequences? What, Sir, must be the feelings of all the virtuous and uncorrupt electors in the kingdom, to have forced upon them the certainty that the elective franchise, which they prize as the foundation of their liberty and security, is a saleable commodity? That those laws which have been made at different periods to maintain the purity and freedom of election, are violated with impunity, by members of this house? That the law is only against the retail dealer, but that the wholesale merchant traffics with impunity? In every breast that retains a spark of patriotism or public virtue, we must be viewed with the strongest feelings of reprobation; how shall we be considered by those who imitate our example, and make a marketable commodity of their suffrages? They will accuse us of injustice, and demand reform conformable to our practice; that is, that we should remove every barrier against their openly setting up their suffrages to sale; that the stigmas attached to this practice should be done away, and the selling what, by our practice, we contend we have a right to purchase, should no longer be mistakenly considered as disgraceful; can you refuse what appears but common justice?—Under all these circumstances, I should be glad that any gent. would point out to me the class of the community from whom we have a right to look for respect or approbation.

Sir, I am ready to admit, that it is unfortunate these disclosures should have taken place at this moment, when unanimity is so necessary to carry us through the arduous struggle in which we are engaged. The experience of past times has proved the pertinacity with which government and individuals cling to abuses. These practices, however they debase all who have any share in them, and degrade parliament, will not be corrected without a great and arduous struggle. The only safe and honourable conduct for the house to pursue is, to follow the precedent of all former times, and to redress and provide suitable remedies for the abuse.—The attempt to bring the reasoning of Dr. Paley, to support such practices, is unjust to the memory of that great and good man; he decidedly condemns bribery, as laying the seeds of general corruption, and weakening the affections of the people for parliament. His conclusion is most striking of our present situation: he says, "No order or assembly of men whatever, can long maintain their place and authothority in a mixed government, of which the members do not individually possess a respectable share of personal importance." Is not this a just description, and sufficient to carry home conviction to every gentleman's mind, of the absolute necessity for the measure proposed.

An hon. member, with some degree of triumph, boasts of the decrease of cases of bribery, and the rapid reform which has and is taking place in many of those places which were formerly under the influence of local interests. If it fell within the knowledge of the hon. member, I wish he had proceeded to point out the causes of this change; let me ask him, has it arisen from those who have thus succeeded in obtaining the favour of the people, discharging with more assiduity those offices, from which the public derives such advantage? Is it from their example? From their hospitality? From their virtuous example in private life? No, sir, not a word of this has been said, and I suppose the gentleman is ignorant, that their ancient attachments are broken by the grossest practices of corruption and bribery. The old and clumsy modes in which bribery was heretofore practiced, are exploded; a new system and vocabulary has been introduced; no one now asks for a bribe; but if the candidate proposes a breakfast after the election, the reply in the affirmative assures the voter from 20 to 30 guineas, as the price may have been settled at former elections; the intention of this system bids fair to destroy all principle

and public virtue. From the improvements in this nefarious practice, the remedies provided at former periods are now rendered nugatory. Those who can make their minds up to come into the house by such methods, must excuse me if I think, their being kept out of it would, so far from being a loss, be a great public gain.

Sir, the first instance we have upon record of an attempt to attain a seat in this house by bribery, is in the 13th of Elizabeth; the description of that person is curious, he is stated to have been a weak and foolish man; what would have been said, if he had attempted to defend himself with the arguments we have heard this night? Their ability might have exempted him from the imputation of folly, but would not have saved him from the resentment of the house; on the contrary, I believe it would have enhanced the measure of punishment. The next head of argument is for those who profess to feel reform as necessary as I do; but who will be content with nothing short of a complete and radical reform. However I may regret the want of the support of any set of gentlemen, I have no right to complain of it, when their objections are made, when I and others have an opportunity to meet and censure them; but I do complain when it is represented, the bill I have brought into this house is the most dangerous and unconstitutional that was ever introduced. How does this accord with the imputation now attached to it, that it purposes to do something, and does nothing? Such if the hon. baronet knew me, he would not believe to be the habits of my life. Sir, I do believe, those who are most hostile to it, consider it as likely to do a great deal, and if adopted in the spirit with which it has been introduced, would in a very great and considerable degree, go to satisfy the people, and to do away much of the existing discontents. Sir, my intention is not only to stop the corruption of individuals, but that of the treasury likewise. It is curious to hear those who so vehemently argue against the corruption of parliament, contend for the sale of seats; they say, take money out of the market, and you will throw the whole power into the hands of the treasury. Sir, I aim to make it so difficult, that it shall be impossible for government to carry on any extensive traffic with patronage.

The imputation of corruption attaching upon ministers, would throw great power into the scale of their opponents; but should the crown gain power by the measure, may not future parliaments provide a remedy for such a grievance, as well as I hope we are about to provide for this. It appears to me evident, this abuse cannot continue, without endangering the existence of this house. The danger apprehended from the measure is trivial, compared with what must result from the evil being suffered to continue. Those who contend against the measure, admit the ruin it must bring upon us, and yet are satisfied with leaving it where it is, and deferring their plan of Reform to a future opportunity. The house cannot be ignorant of the advantage which is taken of our situation, by those who have in contemplation Reforms, which would find few friends amongst us; it becomes us therefore well to consider, whether we will adopt salutary regulations, or by refusing them, expose ourselves to be reformed by means, that every friend to his country would deprecate. Sir, I lament when I find public men lending themselves to encourage hopes which cannot be realized; does any man believe a Reform in Parliament would exempt us from the Income Tax? such things aggravate the evils we suffer, without the possibility of providing a remedy.

Such, Sir, are my opinions, and in conformity to them, I have felt myself compelled to bring forward this measure, too weak for the strong, and too strong for the weak. It has been powerfully exemplified this night, that we have no longer the means of defending ourselves; what, Sir, must have been your feelings on hearing a language that was never presumed to be uttered before any of your predecessors! and yet the house will bear testimony, the chair was never more ably filled, nor was there ever a Speaker who contributed to uphold in a more distinguished manner, the honour and dignity of the station. May we speedily adopt such measures, as will enable you, Sir, to restore respect within the walls, and to command it from the nation at large, and may we persevere in the adoption of such measures, as may secure to us the blessings of a free constitution, and enable us to hand it down to the latest posterity.

The motion was agreed to without a division.

HOUSE OF COMMONS,
Tuesday, May 30.

[DUTIES ON SALT.]—General *Gascoyne* proceeded at some length to comment upon the inequality of the Duties imposed upon the importation of British and foreign salts into Ireland, which he contended went to discourage the efforts of the British manufacturer, by giving an undue advantage to the foreign market. He admitted the excellence of the Bay salt, but insisted that the British Salt would with proper encouragement very shortly arrive at a comparative degree of excellence. The British manufacturer had a right to every encouragement from Ireland, and he thought this would be best done by an equalization of the duties. He concluded by moving, That the house do resolve itself to-morrow into a Committee, for the purpose of considering the propriety of equalizing the Duties on British and Foreign Salts, imported into Ireland.

Mr. *Foster* said, that the British salt was made by the operation of fire, and what was called bay salt was made by the operation of the sun. The British salt was employed only prior to the packing of the beef, and the bay salt in the packing, so that there were no sort of competition in the Irish market between the two kinds of salt, as they were both employed for different purposes, or at least in different branches of the art of salting beef; the British salt would not be fit in packing the beef, because that kind of salt having undergone the process of boiling would be apt in warm countries to melt and slip from between the interstices of the beef, and so fail in the object of keeping the beef; in fact, what had made the Irish beef so famous in different quarters of the world for keeping so well in any climate, was the virtue of the bay salt with which it had been cured. The bay salt had been formerly 80 pounds to the bushel, while the British salt was but 56 pounds to the bushel, so much as to the inequality of the duties, since the measures of each bushel were rated at 56 pounds, and then the duties were on the one 1*s.* 5*d.* per bushel, and on the other 2*s.* the bushel. Any subject, however, that excited so considerable an interest in so respectable a part of the community as the town of Liverpool, he should be at all times ready to pay every attention to. But it was now just at the end of the session, and too late to get the necessary information from those in Ireland who were so interested in the question. He should be willing at an early period in the next session to agree to its being brought before the house, but he did not think the present the proper opportunity for discussing it.

Mr. *Hutchinson* agreed with the right hon. gent. who had just spoken, on the propriety of postponing to the beginning of next session a question of such importance.

Mr. *Jacob* entered into a chemical analysis of the nature of salt, and shewed, that the slower the process of drying the salt the slower the evaporation, the stronger the salt, and, that of course, if the process by fire was contrived to be as gradual as that by the sun, he did not see that the salt made by the fire might not be as serviceable as the foreign bay salt.

Mr. *Foster* said, in explanation, that he was aware that an atttempt had been made in Lymington to make bay salt, and that it had failed. He said, that it was called bay salt, because made by being exposed to the sun in inlets or bays in Portugal.

The *Chancellor of the Exchequer* said, that he trusted his hon. friend who brought forward this motion would now be satisfied that it had met with as favourable a reception from his right hon. friend near him as circumstances could possibly admit of. He hoped, therefore, that the motion would not at present be pressed any farther, with understanding that the question would meet with every attention from that house early in the next session.

Sir *John Newport* said, that the evidence at present was but *ex parte* evidence, and that they ought to wait until they heard the sentiments of those in Ireland interested in the subject, before they decided either upon lowering the duties on British salt or augmenting those upon foreign salt.

General *Tarleton* said, that England had been on all occasions bounteous and indulgent towards Ireland, in giving her every fair advantage in her trade; and that if it was made out that the British salt was as effectual in curing provisions as the foreign salt, he thought Ireland should not object to the equalization of the duties. The bay salt was the cargo under which brandy in general was smuggled: and perhaps it might be owing to this method of disguising smuggling that the gentlemen in Ireland were able to drink such good wines. He had often been indebted to them for a very hospitable portion of their excellent wines; and

he knew them to be very select in their wines in general, indeed they drank it much cheaper and better than gentlemen in this country were able to do; and that they did so, might be owing to the Irish market being pretty abundantly supplied in this way.

General Gascoyne then consented to withdraw his motion.

[Frauds in the Irish Revenue—Mr. Beauchamp Hill.] Sir *John Newport*, pursuant to notice, rose to make his promised motion, relative to the appointment of a person (Mr. Beauchamp Hill), to a situation in the Excise in Ireland, in direct violation of a statute of regulation made for that country, and which was expressly intended to guard against the Frauds committed on the revenue of that country. If this should appear to be the case, and that the person alluded to had actually incurred his dismissal from the situation he had formerly held in the Excise, under the very letter and spirit of that act, instead of the promotion he had met with, what terms were too strong to reprobate such a conduct in those concerned in such a proceeding? How did the present case stand? By a statute made in 1806, it was enacted, that any officer in the customs or excise in Ireland, convicted of taking money in the execution of his office, should be incapable of holding any place under the government. By a former statute on the same subject, it was declared, that such persons, taking a bribe for neglecting their duty, should be incapable of holding any employment; but it was found they got out of this statute, by asserting they took money for performing their duty. To remedy which the former statute was enacted. It appeared from the report of the Commissioners appointed to inquire into abuses in the Customs and Excise in Ireland, that in Sept. 1806, they called before them a person of the name of Beauchamp Hill. Upon his examination, he stated, he had been a surveyor for four years, and that he was in the habit of taking a present of 20 guineas per month from every still contained in his walk. It also appeared, by his examination, that he justified this practice on the ground of precedent and notoriety, and also from necessity, owing to the inadequacy of his salary to his support. This might be admitted as some excuse in his favour, but still the law was precise in marking the offence, and pointing out the penalty; and though the offence might be overlooked on the plea of necessity, yet he conceived that should have been the extent of the mercy shewn him. Notwithstanding, however, he was found, in the month of March, 1808, promoted to the office of Inspector-General of Excise; that is, to oversee that others did not abuse that trust of which he himself had been convicted; and this, jointly with another person, in the room of two, who were removed on charges of misconduct, which they had denied, and upon which they had demanded a trial. He concluded with moving: "That it appears to this house, that, by the 46th of his majesty, ch. 88, it was enacted, on the 12th July 1806, that any Officer of Customs or Excise in Ireland, who should, directly or indirectly, ask, take, or receive any sum or sums of money from any Distiller, for or on any account whatsoever, should be deemed and taken to be guilty of a misdemeanor, and should be rendered incapable of holding any office or employment civil or military:—that it appears to this house, from the fifth Report of the Commissioners of Enquiry in Ireland, appointed by parliament, that Mr. Beauchamp Hill declared before the said Commissioners of Enquiry, in his examination upon oath, in the month of Sept. 1806, that he the said Beauchamp Hill, being a surveyor of excise, was then, and had been for some time previous to his said examination, receiving 20 guineas per month from each distiller in the district committed to his charge, which was a part of the city of Dublin:—That it appears to this house, that, on the 8th day of March, 1808, the said Beauchamp Hill, having, by his own confession, under the provisions of the before-recited act, incurred the penalty of incapacitation attached to his misconduct, was promoted to the responsible office of inspector-general of that department of the revenue in which this breach of the law was committed, in direct violation of the enactment of the said statute."

Mr. *Foster* said, that certainly owing to the inadequacy of their salaries, an universal system of corruption had formerly existed among the revenue officers of Ireland, and that out of 32 excise officers examined by the commissioners of inquiry, 30 of them had confessed that they had received similar presents. They justified it from its being a constant practice, and known to be so by the board who employed them, and who yet took no measures to stop it. The practice of receiving these gratuities was so universal, and so

long in a manner connived at, that it would have been unfair to select one or two individuals for punishment, as almost every other officer in the revenue equally deserved to be dismissed. Mr. Hill, however, was ever ready to give every information in his power to the commissioners of inquiry, and was in every other respect a very good officer. He was therefore promoted for his merit, although he had in common with all the other excisemen done a thing illegal and improper. He therefore moved the previous question.

Mr. *Hutchinson* thought nothing could bring the house into greater contempt than passing over so lightly such a flagrant case as had been now stated. Who could believe that it was utterly impossible to find a single honest man to fill any office in the Irish revenue? If the revenue officers were so corrupt from bottom to top, they should be all removed, and honest men sought for. If men in high situation had known of their frauds, and connived at them, they should also be dismissed. He had heard with infinite pleasure, that his majesty had been advised to annul a commission granted to a noble lord (lord Burghersh). He hoped he would also be advised to annul this appointment.

Mr. *Croker* said, that it was sufficient proof of the corruption of some of the revenue officers that they were alive; for if they had trusted to their salaries, they must have starved. The salaries were settled in the reign of Charles II. and were but 40*l.* a year to the guager, and 65*l.* a year to the surveyor. It therefore became necessary for them to get by some other means those necessaries of meat, drink, and cloathing, for themselves and their families, which the pure abstract patriots of the present day might not think they had any right to think of. It was lord Annesley who had recommended this particular promotion, on no ground but that Mr. Hill was an active and good officer.

Mr. *Peter Moore* said, that without pretending to those abstract ideas of perfection, he would still say, that although he had before heard a system of bribery and corruption avowed, he never did suppose that such a scene of bribery and corruption as this could ever have been justified or excused. It appeared from the Report of the Commissioners of Inquiry, that the frauds committed on the Irish revenue by the licensed distillers amounted in a year to 856,000*l.* and that the principal cause of these enormous frauds was, that those officers were bribed to connive at them. These distillers now deprecated all manner of inquiry into those transactions.

Mr. *R. S. Dundas* defended the promotion, on the ground of its being necessary to select for promotion persons in the service of the revenue; and that it would have been absolutely impossible to have dismissed them all.

Sir *Samuel Romilly* said, that he had never in his life heard such doctrines gravely stated, as might be deduced from what had fallen from an hon. gent. (Mr. Croker). If a man's salary was not sufficient, was that an excuse for his taking bribes, and conniving at all manner of frauds against the government which employed him? As to the ridicule which the hon. gent. appeared to throw out against those pure and abstract patriots, who would not consider the necessity of providing meat, drink, or clothing for themselves and families a sufficient excuse, he would say that it never was allowed as an excuse for dishonest actions. If it were, any person indicted at the Old Bailey for a robbery would say it was only for the purpose of getting meat, drink, and clothing for himself and family. Such an excuse would not be admitted at that place. If the salaries of these places were not sufficient, did any body oblige these men to become excisemen? He must therefore support the original motion, as he conceived the promotion of such a person highly improper.

The *Chancellor of the Exchequer* did not think his hon. friend (Mr. Croker) had maintained the general proposition that the hon. and learned gent. imputed to him. It was to be considered that in this particular case, when all the excise-officers in Ireland had been in the habit of taking certain regular presents from the distillers, it would have been impossible to dismiss them all at once, as although that might be good in the way of example, yet it would be a sacrifice of the revenues of Ireland for two years. If it were not contended that all the revenue officers of Ireland should be dismissed, there was no reason why the best of them should not be promoted. This man, although he had taken money as others did, yet in other respects he did his duty. The cause, however, of this great corruption had now been removed by the increase of the officers' salaries, and the act might in future be strictly enforced. The act was of a prospective and not of a retrospective

nature; and as to the case of Mr. Hill, there had been no legal conviction against him, nor any thing but his own confession before the commissioners, which was not asked for the view of turning him out of his place. It did not appear to him that it was desired to select this man or any other for punishment, and therefore, if he were allowed to stay in the revenue, he saw no reason why he should not be promoted if he was diligent and useful.

Mr. *Horner* spoke shortly in favour of the motion. He expressed his surprize at what had fallen from the Chancellor of the Exchequer, that a man should be continued in office who had been found guilty of corruption. He for his own part thought that a more flagrant abuse of power was never heard of; a more unblushing breach of purity, he was certain, never till then appeared before that house, and as such he thought it his duty to give it his decided reprobation.

Sir *John Newport* replied, generally, to the several arguments urged against his motion. He thought the defence set up so extremely weak and defective, that it was only necessary to make a few observations. He insisted that the charge of Mr. Beauchamp Hill had been made out as strongly as the case would permit. The malt books of Ross Crea walk had not been returned. It was said some of them had been carried away; but what remained, proved that Mr. B. Hill was the surveyor then, that 15,000 gallons of pot ale had been found there suppressed; so that if you could not positively say a charge was found, it was very reasonable to suppose it. He declared he did not previously know Mr. B. Hill, nor any of his connexions, nor any of those persons in whose room he had been promoted; so that he could not be actuated by the slightest bias or motive of favour or partiality. The first he knew of Mr. Hill was seeing his name in the Report of the Commissioners of Inquiry He censured the ground of argument that men known to be corrupt should be employed, on account of their ability to fill a particular station. On the contrary, he thought that in a public officer honesty and character could not be balanced by, nor ought they to be put in competition with any ability, however great it might be, He should therefore take the sense of the house on his motion.

Mr. *Barham* said, there was one argument which ought to make the house cautious in what way they dealt with this motion. It had been publicly and generally asserted, that many persons sat in that house by improper means. The public had taken the alarm; and it had been found in support of that alarm, and those assertions, that a cabinet minister had actually been concerned in bartering for a seat in that house, and was defended for such an act. It was by the motion that moment under consideration, and the arguments urged in support of it, further asserted that corruptions prevailed in a most extensive degree over the whole revenue of Ireland. If something was not done to rectify these corruptions and abuses, if no steps were taken towards removing them, he dreaded to think what the public opinion of that house must very soon be.

The question being loudly called for, the house divided, when their appeared:

For the motion - - - - - - - - -	50
Against it - - - - - - - - - - -	77
Majority against sir John Newport's motion - - - - - - - -	—27

[IRISH TITHES.] Mr. *Parnell* rose to move for the appointment of commissioners to enquire into the state of Tithes in Ireland. He said that he was authorised to consider the opinion of the house as favourable to an alteration in the system, in consequence of the sentiments which were expressed by those who had opposed his former motion. The grounds upon which that was negatived were, because in the opinion of some members this period of the session was too late to entertain a specific plan, and because in the opinion of others there was a want of information on the subject. To meet the objections of the first description, he intended to bring forward a plan for a commutation of Tithes early next session, and to remove the objections arising from a want of information, he now moved for a commission. He said that a commission was preferable to a select committee of the house, because if we were to wait till the next session to appoint a committee, which would be necessary, nearly a whole year would be lost in making the inquiry, and besides a committee if appointed, could not well, sitting here, obtain the information which was wanted. Whereas a commission could proceed upon the enquiry immediately; and an inquiry to be made by persons appointed by the crown would be more agreeable to the body whose interests were immediately concerned, than an enquiry made by a committee of this house; and in this, as in all other respects concerning the mode of

paying the clergy he wished to proceed in the way that would least offend their feelings. He said that there were several precedents for this mode of proceeding since the Union. Commissioners had been appointed to enquire into the state of the finances of Ireland, of education, and of prisons, and for trying controverted elections, all which inquiries naturally belonged to select committees, but which, in consequence of the distance of Ireland, could not so well be made as by commissioners acting on the spot.—The house should consider in coming to a decision on his motion, why any inquiry at all was wanting; if Ireland had continued to have a local parliament, no such inquiry could have been wanting, because each member would have been completely informed of the state of the tithes; the house then was bound to place the people of Ireland by an enquiry on the same footing as they would have been without one, if the Union had not taken place, and to remedy as far as it was able this great injury, which Ireland had sustained by the Union, of the legislature being ignorant of the condition of Ireland and of the nature of the evils of which she complained. Besides the house should consider this motion with reference to the petitions on the table, and feel that they were now called upon to give an answer to those petitions. When a specific plan of redress was proposed of the evil complained of in these petitions, it was rejected for want of information, and will the house, now that a mode of obtaining information is brought forward, reject that also, and say we will neither adopt a remedy for the evil, nor enquire into the nature of your complaints? If the house does so, it will do that in regard to the people of Ireland, which his majesty would never do towards the meanest subject that petitioned him; for an instance was never known where a complaint was preferred to the throne, to which at least this degree of attention was paid to it, of giving for answer to the person complaining, that the nature of the complaint should be enquired into. The hon. member said, that he hoped, therefore, that the house of commons would not refuse to give the same degree of attention to the complaints of the people of Ireland, which was uniformly given by his majesty to the complaints of even his poorest subjects. He moved, "That an address be presented to his majesty, to appoint a special commission to enquire into the manner in which Tithes are collected in Ireland, and such other matters relating to the buying and collecting of Tithes in that country as they shall judge it proper to direct their attention to, and to report thereon."

Mr. *R. S. Dundas* (secretary for Ireland) opposed the motion, upon the ground, that before they went the length of addressing the king to appoint commissioners to make such inquiries they should first be satisfied, that some practicable measure could be proposed and adopted, to remedy the evils complained of, and acknowledged to exist, in regard to the buying of Tithes. It would only tend to raise the expectations of the people, while they could not realise them. The hon. gent. must be aware, that the feelings and passions of many individuals were already too much alive upon this subject throughout every district in Ireland; besides, the house were not at present deprived of information upon Irish subjects. It might as well be said, that they could not legislate as to the Tithes of Scotland, without instituting an inquiry; whereas it was well known that a law was lately passed relative thereto, merely upon the statement of those acquainted with that country. He doubted of the expediency of the mode of inquiry proposed, and also of its necessity, as sufficient information could be derived from gentlemen connected with Ireland.

Mr. *Maurice Fitzgerald* expressed his surprise at hearing such an opposition to this motion, as the former one had been opposed upon the ground of there being a want of sufficient information. With respect to exciting dangerous expectations in the minds of the people of Ireland, by the measure proposed, he could assure the right hon. gent. that they could only be excited by the continuance of the present system, and he was persuaded the inquiry would have quite an opposite tendency. There were parts of Ireland where the most serious disturbances had been excited within these last two years, upon this very subject; and he was sorry to say, such had been the case in that very part which he had the honour to represent. He was convinced the right hon. gent. when he became acquainted with the actual state of the Tithes in Ireland, would retract his opinion and sentiments in a future session. There were many abuses existing there, which did not exist here. From the sentiments generally expressed in the house upon a former night, he was sure that an inquiry would be the best preliminary to

any measure that parliament could adopt to remedy those evils. He should touch upon a few of the grievances relative to the raising of Tithes in Ireland, in order that gentlemen might contrast them with the mode adopted in England. In many cases the tithes were collected by the agents of absentee clergymen in the most severe manner. It was also a general habit for clergymen to set them up to auction, and sell them to a respectable tenant, who employed another to extort the utmost from poor and unfortunate individuals. If such practices existed in England no minister would dare to resist a parliamentary inquiry. In Ireland, almost all the lower orders of the people subsisted by cultivating the soil, and it was upon them in particular this tax operated as a grievous burden. Even the potatoe garden of the peasant did not escape the most rigorous exactions. This was contrary to the principles of taxation adopted in any country whatever. Add to the severities of collection, the plan of apportionment was far from being equitable. In some counties, such as Ulster and Connaught, the potatoe-gardens were not tithed at all. In Kerry, the tithe of potatoes was at the rate of 36*s.* per acre, and in two districts close to it, it was treble that amount. This he thought was a severe injustice. The disturbances of the Whiteboys were solely owing to the grievances of the tithe system in those counties, where arbitrary modes of exaction existed; while in others, where they did not exist, no disturbance had taken place. He did not wish to connect this inquiry with the question of religion, as he was convinced the catholics paid the tithes more freely and more willingly than the protestants. The former abstain from resistance, from motives of delicacy, and no political disaffection mingled itself with their conduct; the utmost they demanded, in any instance, was, that they might be allowed to deal immediately with the clergyman for the tithes. If the matter of tithes was to become the subject of future discussion, it was surely proper that the house should be prepared for it. In the views he had in regard to a commutation of tithes, he thought nothing but a complete commutation would ever tranquillize Ireland. It would put the established church on a happier footing, and would afford greater encouragement to agriculture. It was quite paradoxical that pasture land should be exempted from any premium to the church. Indeed all the great landed proprietors, although more interested in the church establishment, were exempted from the payment of tithes, a circumstance which was most discouraging to agriculture, and an evil which could only be remedied by a commutation of tithes, by which every individual should pay his portion to the clergyman. Under these circumstances he should vote for the motion for inquiry.

Mr. *Dundas*, in explanation, said, he never meant to convey any other opinion, than that this was a subject highly worthy of the consideration of parliament. He thought, however, that the inquiry proposed at the present time was altogether unnecessary.

Mr. *Ponsonby* said, it would be highly satisfactory to know at what period government would think fit to make any inquiry, or adopt any measure upon this subject. Last session the Chancellor of the Exchequer had said, he had even gone the length of preparing a bill to remedy these evils; but this session he said it was so full of difficulties, that he had neither bill to propose, nor any measure to adopt. When his hon. friend (Mr. Parnell) moved for leave to bring in a bill, the previous question was moved, for the want of information; no information was yet procured, and now the house were told it was unnecessary.—The time was not far distant when that right hon. gent. and all others would find that information, as to Ireland, was indispensably necessary. The system of tithes was a subject of great importance, and surrounded with great difficulties, but not such as were wholly insuperable. The arguments used against adopting this measure, were the best reasons in the world for taking it immediately into consideration.—The longer it was deferred, the more was Ireland exposed to calamities and difficulties of every kind. Why did the right hon. gent. not take some step in the interval, since last session, to procure the information he wanted? Why did he now say, that on account of the difficulties and importance of the subject, he should take no step at all?—The subject was of such vital importance for the tranquillity of Ireland, as well as of this country, that he hoped his hon. friend would take the sense of the house upon it, and that government would not meet the house with the same ignorance next session as they did upon this one. As to exciting dangerous expectations, how could it be supposed

that such a matter could be conducted secretly? It was impossible to proceed in any way without exciting the hopes and expectations of the people of Ireland upon this subject. The measure proposed by his hon. friend appeared to him to be both judicious and temperate. It applied to the crown, as to the head of the church, to inquire into this church property. It placed the nomination of the persons composing the commission entirely in the executive government, where it ought to be. He hoped that these repeated motions on this subject would at least have this good effect, that they would compel ministers to adopt some measure to ameliorate the situation of Ireland.

Mr. *Grattan* thought that the Commission of Inquiry proposed would not have the desired effect, as it had been generally found that such commissions were inadequate to the objects in view, and rather tended to discourage the adoption of a measure than otherwise. Even although such a commission were to deliver in a report, he should not be disposed to reckon it binding. He had seen many commissions appointed by the crown, but they had been found never to go to the root of the evil, and rather tended to recommend a feeble than an effectual measure. He thought that it would be better to move, next session, that a committee be appointed, and that the loss of this motion would not embarrass that one.

The *Chancellor of the Exchequer* did not think that the house were in ignorance with respect to the subject of tithes in Ireland; but he conceived that the difficulty was how to find out a practical mode of securing the property of the church. He had never objected to the former motion of the hon. member, on account of the want of information; but he objected to it, because it was not a measure capable of being adopted for the reasons he then gave. He had not been remiss in making inquiries, and had even produced a plan, which however he afterwards found it necessary to abandon, as it appeared it could not have the effect desired. He could not be persuaded that any inquiry, either by commission or committee, would do any good, for they did not want information, but they wanted merely a plan of how to get the better of the difficulties they knew to exist.

Sir *J. Newport* spoke in support of the motion. He thought the arguments used against it were very extraordinary. If they did not institute a previous inquiry, the house were attempting to apply a remedy, without knowing what was the nature of the disease, which appeared to be entirely a new mode of legislating. If the result of the commission did not satisfy the house, they might have recourse to some ulterior information. At all events, the noble lord opposite (Castlereagh) was bound by his former professions, at the Union, to find out some modifications to lighten the burdens of the poor oppressed people of Ireland. Instead of doing so, however, that noble lord appeared to forget all his pledges for the public good, and merely to attend to those that went to provide for individuals whom he had taken care to seduce to his own standard. That noble lord professed to be the follower of Mr. Pitt; *sequitur non passibus equis.* If he were so, he ought undoubtedly to perform the pledges which that statesman had made, as well as to perform those which he himself had undertaken. If ministers profess to be the successors of Mr. Pitt, let them come forward, with one consent, and redeem the pledges he had given, otherwise they could not pretend to be other than unworthy successors.

Lord *Castlereagh* stated, that he knew of no pledge whatever that was made either by Mr. Pitt or himself, upon the subject of tithes, or upon the Catholic question. He should most distinctly deny that he ever had made any pledge as to Ireland.

The Hon. *C. H. Hutchinson* supported the motion, and in strong terms deprecated the conduct of the noble lord opposite (Castlereagh), as to Ireland. He looked upon that noble lord as the parent of the Union, and he, in order to effect it, had made many promises; but whenever any question, as to the amelioration of the situation of Ireland came to be agitated, he either put a negative upon it, or moved the previous question. If the noble lord thought he should be handed down to posterity, either for private virtue, or public political conduct, he (Mr. H.) must beg leave to be of a contrary opinion. [Here was a cry of Order! order! and the Speaker interfered and observed, that it was irregular to allude to the private character of any individual of that house.] If (continued Mr. H.) the whole of the country were to stand up in support of that noble lord's conduct, he should be proud in standing single, and stating that he had grossly discharged that public duty which he owed to that country, called Ireland.

How many years had passed since the Union, and yet nothing had been done to ameliorate its situation! No one of the expectations of its unhappy people had been answered, nothing but personal degradation had ensued. Absentees were greatly increased, the capital had been deserted by its nobility, and almost the whole of the great landed proprietors. Much had been promised to that country, but nothing had been as yet performed.

Mr. *Parnell* said, in reply to the assertion of the right hon. gent. that a want of information had not been laid as a ground of objection to his former motion, that he could appeal to the recollection of several members now present, whether the Secretary for Foreign Affairs had not distinctly stated as the reason which induced him to negative that motion through want of information on the subject which prevailed in the house. If there was any doubt upon this point, he said it was cleared up by the absence of that right hon. gent., for he had a right to infer, that he was absent because he could not vote with his colleagues on this motion, in consistency with the opinion which he had given on the former motion. In answer to what the right hon. gent. had said, of his appearing not to be aware of the difficulties which attended the plan which he recently proposed, because he had not replied to the objections which he had urged to it, he said that the reply made to those objections by a right hon. friend of his, rendered it unnecessary for him to do so. He had said, that the plan of enabling incumbents to make leases for twenty-one years was a plan of no detail and of no difficulty. The fact was, that nothing would have been so easy as to have secured the successor to the incumbent making the leases against injury, because it would only have been necessary to have adopted the same regulations as those under which all tenants for life under settlements are controled in making leases of their lands, and then the situation of the successor to the incumbent making leases, would have been exactly the same as the situation of tenant in remainder under the established law. With regard to what the right hon. gent. had said about no inquiry being necessary, and of the competency of the house to discuss and decide upon any specific plan that may be brought before it, without any previous inquiry, he begged the house would not forget the declaration of the right hon. gent. when he should bring forward a specific plan next session, in order that his motion may not be opposed as his former one was, on a plea of want of inquiry and of information. The chief Secretary for Ireland had said, the proposed inquiry could do no good, because it was impossible that it could lead to any practical plan. To this doctrine of the impossibility of the house being able to discover any plan for a commutation of tithes he must protest; for though it might be difficult to say what plan was the best, still there were so many great authorities in favour of a commutation, and who had pointed out plans for effecting it, that it certainly must be in the power of the house, if it would sincerely set about the work, to discover some plan which would meet the evil complained of. The authority of Dr. Paley was quite decisive upon the subject; he had said that he knew of no measure so practicable, and of no alteration that would be so beneficial, as a commutation of tithes for corn rents. This opinion should therefore give the house reason to suspect, that the assertion of the right hon. gent. that no practical plan can be discovered, was wholly unfounded. He begged the house to consider, that they were now called on by his majesty's ministers to tell those who had sent petitions to this house, that the house would not inquire into grounds of their complaints; and he submitted to the justice and good sense of the house, whether, under the circumstances of Ireland and of the continent, this was an answer that ought to be given to them.

The house then divided,

Ayes - - - - - - - - - - - -	75
Noes - - - - - - - - - - - -	146
Majority against the Motion ——	71

[MEDICAL BOARD.] Mr. *Wardle* rose to bring forward his promised motion upon this subject. The supply of the army with proper medicine and medical aid was, he was observed, a matter of so much importance, that he could not conceive it possible to raise a doubt, as to the propriety of making it the subject of parliamentary investigation, where any ground for complaint appeared. That such ground existed was manifest from the Report upon the table. For in this Report it was stated, that out of 20,000 men employed in expeditions to the West Indies, no less than 13,000 were the victims of disease; one-third owed their death to the ignorance of their medical men. But this was not the only ground of complaint which

he meant to refer to the consideration of the house. The charge for medicine was enormously dear. He instanced the article of bark, which was charged at no less than 100 per cent. beyond the prime cost; upon this article alone he observed that the sum of 15,000*l.* was laid out. To prove this exorbitant charge he was ready to produce the most satisfactory evidence at the bar both documentary and oral. As a principal witness to substantiate his statements, the hon. gent. mentioned the name of Dr. Chisholm.—With the two facts he had stated, he did not think the motion which he was about to submit could be consistently opposed with a view to the necessary inquiry. He understood, indeed, that no opposition would be attempted, and therefore, without further preface, he moved, "That a Return of the whole of the Medical Department should be laid before the house, namely, the physicians, surgeons, inspectors and deputy inspectors, apothecaries, &c. distinguishing the period of the appointment of each, the situation from which removed to such appointment, together with the length of service."

The *Secretary at War* would not object to the motion, but could not help expressing a wish that the subject had been rather referred for inquiry to the board of officers, which being constituted by parliament, had the power of obtaining the fullest and most satisfactory information applicable to a case of this nature.

Mr. *Rose* was surprized at the unqualified assertion, that upon the article of bark alone the sum of 15,000*l.* had been lost to the country (No, no, no! from the Opposition Bench). Having had occasion to inquire into the subject of the medical supply to the army, he was enabled to state, that the medicine for that department was furnished at a rate of seven or eight per cent. less than that of the navy. If, however, there was any real ground for complaint, he thought it would be better to refer the case to the Commission of Military Inquiry, which having the power to administer oaths, was competent more satisfactorily to investigate the business than any committee of that house, which had no such power.

Mr. *Wardle* repeated his assertion with respect to the charge for bark, correcting, however, the misconception of the right hon. gent.; as he only stated 15,000*l.* as the amount of the supply. With regard to the Commission alluded to, he would frankly state that he had no faith in Commissions of that nature, and therefore he wished to bring this business before the house. And as to that Commission he had no hesitation in saying, that it would not do its duty if it did not produce to the country a saving of 100,000*l.* a year in the department to which his motion referred.

The *Chancellor of the Exchequer* would not hesitate to state, that if the hon. gent. was in possession of information that 100,000*l.* a year could be saved to the country, and if it was his object, as no doubt it was, to conduce to the public benefit, it was his duty to furnish such information to the Commission alluded to. That Commission, it was to be remembered, had the power of administering oaths, and was therefore best enabled to act upon the hon. gent.'s information. It therefore struck him as desirable that the case should be referred, in the first instance, to the Commission, and should the result of its inquiry not prove satisfactory, the hon. gent. would not be precluded from again bringing it before that house.

After a few words from Mr. Whitbread, Mr. Rose, Mr. Wardle, and general Walpole, the motion was agreed to.

[AMERICA.] Mr. *Marryatt*, after a few prefatory remarks, with regard to the propriety of satisfying this country and America also, as to the conduct of our government upon the subject of recent transactions, in which the commercial interest of the country and the character of its government was so deeply involved, observed, that he had understood it to have been alleged by the highest authority, that our ambassador was authorised by his instructions to conclude the arrangements which government had lately refused to ratify. In order, therefore, that parliament and the public should fully understand the case, he felt it his duty to move an Address to his majesty, praying for copies of the Notes which passed between our ambassador and the government of the United States, respecting the repeal of our Orders in Council of January and November 1807; also for copies of the Instructions transmitted to our ambassador, authorizing him to enter into a negociation, and to conclude an arrangement upon this subject.

Mr. Secretary *Canning* observed, that although upon a former occasion, when asked, whether it was the intention of his majesty's ministers to make any communication to parliament respecting our relations with America, he answered, that it

was not deemed expedient to do so pending the existing negociations with that country, he did not feel it inconsistent with the motive of that declaration, to give his assent to the present motion, which was rendered necessary by the peculiar circumstances of the case. The Notes referred to in the first part of the motion having been published in America, there could be no objection to authenticate them by complying with the call for their production; and as to the Instructions, his majesty's government having, in that spirit of frankness and candour which marked the whole of their communication with the American government, directed those instructions to be shewn to that government, he saw no reason for with-holding them from the house, although the production of such a document was rather unusual. As the papers were not before the house, he would abstain from delivering any opinion upon them. It was known that he had no disposition to throw blame upon the individual implicated in this transaction; but as a matter of fact and truth he was bound to state, that which our ambassador would have full opportunity of explaining, namely, that he had not only not acted in consonance with his Instructions, but in direct contradiction to them: that being authorised to make certain concessions to America in return for stipulated conditions, he had thought proper to go to the full extent of the concessions, without having obtained any of the conditions. At the same time that the right hon. gent. acquiesced in this motion, he thought it right to say, that he should feel it his duty to oppose the production of the Instructions transmitted to an ambassador with respect to the affair of the Chesapeake, at least pending our present discussions with the American government.

Mr. *Ponsonby* thought that as the alleged proceeding of our ambassador was so very extraordinary, it would be right, in order fully to understand and fairly to judge of the case, that any justification or attempt at justification, sent home by this ambassador, should be also laid before the house, together with the papers referred to in the motion. He was not aware that any such paper as he alluded to was in existence, but if it was, and the right hon. gent. had no very urgent reason for resisting the production of it, he should much wish to have it laid on the table, and to know whether the right hon. gent. had any objection to do so.

Mr. Secretary *Canning* declined for the present decisively to answer the right hon. gent.'s question. When the papers moved for were laid before the house, the right hon. gent. would then be better qualified to decide whether any, and what further papers, were necessary.

Mr. Ponsonby and Mr. Canning mutually explained; in the course of which the latter observed, that unquestionably a dispatch had been received from our ambassador, transmitting the intelligence which gave rise to the motion.

Lord *H. Petty* conceived with his right hon. friend, that it was essentially necessary to a just comprehension of the subject under consideration, that the reasons assigned by our ambassador for concluding the arrangement alluded to, should be laid before the house. He therefore hoped, that if it were consistent with his public duty the right hon. gent. would not withhold this information. Many occasions occurred in war to justify a departure from positive instructions; so in a diplomatic mission circumstances might arise to furnish a similar justification. Possibly, such was the case in this instance, and the paper required by his right hon. friend was necessary to enable the house to form a correct judgment. Indeed, it was almost indispensible, and therefore, unless it was produced, he must disapprove of an attempt to bring forward what he could not help considering as partial information.

Mr. *Canning* begged not to be understood as refusing the paper required by the noble lord. He only deferred deciding upon the proposition to produce it.—In answer to a question from lord Milton, Mr. Canning stated, that the expectation to be formed as to the conduct of the American government towards our trade, must depend upon the existence of a correspondent disposition on the part of that government, to that manifested here upon the occasion which gave rise to the discussion. But in fact, what arrangement might be made by that government, must be, he observed, at present mere matter of speculation, of which any other man could form an opinion as well as himself.

The motion was then agreed to.

HOUSE OF LORDS.

Wednesday, May 31.

[Cruelty to Animals' Bill.]—The house having gone into a committee on this Bill,

Lord *Erskine* rose, and expressed the deep satisfaction he felt at their lordships' recognition of the principle of the bill he had had the honour of submitting, by their agreeing to go into a committee upon it. He thought it unnecessary in the committee to make use of any further general arguments, in its support, though, if it were necessary, he would, from the variety of information he had received from the most respectable and the best informed quarters, give their lordships fresh reasons, and abundance of particular instances, which shewed (beyond contradiction, as he thought) the propriety, necessity, and justice of passing the bill. Was particular information wanted? He had letters upon letters stating facts concerning such cruelties. Was evidence desired? He could bring the most unexceptionable testimony to their lordships' bar, to prove the existence of such practices as were a disgrace to humanity, to a civilized nation, and to every moral and religious profession. He had with him letters, stating the readiness of the parties to appear, from the most respectable clergymen, as well as others, not indeed saying that such cruel practices were universal, but that they were too general, and specifying many particular instances. His lordship then adverted to the inhuman and wicked practice of houghing and hamstringing cattle, of cutting the faces of sheep intended for future slaughter for the use of man, and of still more barbarous practices, such as some he could substantiate: the cutting and tearing out the tongue of so noble an animal as the horse. He stated an old act of Henry the eighth against this last crime, which inflicted a fine of that offence of 10*l.* to shew the sense our ancestors had of such inhumanity. Hitherto, the matter had been perhaps too much considered only as it related to animals as the private property of individuals; but he wished this bill to take a higher ground, so that the legislature should declare its opinion upon the morality of the principle, and on the duties that man owed not only to man, but to the lower world; duties so much connected with the general state of the moral feelings. He stated a variety of circumstances in favour of the bill, and alluded to many enormous cruelties practised on animals. He meant, however, to propose some amendments, to ensure the most favourable reception of the bill from those who might entertain some objections as to its practicability. He had left to the commons the opportunity, which he did not doubt would be taken, of giving the alternative mode of punishment to the magistrate by a pecuniary fine, or a limited confinement. He intended to propose, that the magistrate should be armed with the power of summary decision, as it would be exceedingly inconvenient to oblige all prosecutions to go to quarter sessions. He begged, however that it might be remarked that there was no boon, no reward whatever to be held out to, or received by any informer. He also proposed an amendment by which he wished to introduce the words "to abuse," as applicable to the maltreatment of animals. Here he referred to old statutes, and seemed to think that this word, in addition to others in use, would best convey the meaning of the legislature. His lordship then adverted to some other amendments which he intended to submit, and contended against the supposed difficulty on the part of the magistrates, in deciding upon the guilt and punishment of such offences. It was the intention, coupled with the overt act, which constituted the criminality in a variety of other cases, and he saw no difficulty that was insuperable in the application of similar principles in this instance. He had limited himself in the first instance, to what he had termed "reclaimed animals:" he now wished to amend that expression by using the word "tamed" instead of reclaimed. He did not therefore, endeavour by legislative measures to interfere with wild animals, and kept out of the question field sports. He was so convinced of the great importance of an unanimous vote of their lordships on the subject, instead of carrying the question by a mere majority, that he was most desirous of hearing and of receiving any information or amendment upon the bill. With respect to bull-baiting, which had been alluded to, he could not see how those who were so desirous of continuing that practice should agree to going into the committee, and thereby acknowledging the principle of the bill. If bull-baiting was a fair sport—if it was, as he had heard it stated, for the amusement of that fine animal; and if no wanton and malicious cruelty occurred, then the magistrate would have no such crime to punish the parties for committing. If, on the contrary, it was attended

with such odious circumstances, the bill would give the magistrate that salutary power which he ought to possess.

The *Lord Chancellor* was not adverse to the principle of the bill, but thought it would be advisable to limit the object of its operation. The house would do well to proceed with measured steps in a business of this nature. He should therefore advise his noble and learned friend to confine the operation of the measure, in the first instance, to beasts of draft or burthen. If afterwards it should appear that the practical effect of the bill could be obtained on a more extended scale, then would be the time to propose the extension of it.

The Earl of *Liverpool* perfectly coincided in opinion with his noble and learned friend, as to the propriety of confining the bill to beasts of draught or burthen; the horse, the ass, the ox, and mule, or any other animal that might be employed to the same purposes. Any attempt to make the bill apply to every species of domestic or tame animal, might in many instances become ludicrous, and defeat the main object which the bill had in contemplation.

Lord *Ellenborough* could well recollect, that the measure now brought forward, was one which had engaged, to his knowledge, the attention of his noble and learned friend for these twenty years past, and which every man must allow, did infinite honour to his heart. He was anxious the bill should succeed, and he should therefore advise his noble and learned friend, to adopt the opinion of the noble and learned lord on the wool-sack, and to confine the measure, for the present, to beasts of draught or burthen. He should also beg leave to advise him, to new model his bill upon that suggestion, and in that hope to have it printed and re-committed.

Earl *Darnley* could not see the benefit to be derived from the bill. More cruelties would be committed on animals, upon the 1st of September next, than all those of which the bill professed to complain of, and correct.

Lord *Erskine* observed, that the species of animals, to which the noble lord who spoke last alluded, was different in every respect from that of which he solicited protection. As he was very anxious, that to some extent at least the bill might be allowed to operate, he should cheerfully adopt the suggestions of his noble and learned friend, and shape the measure with the limitations he had advised.

The bill was then ordered to be re-committed on Friday next.

HOUSE OF COMMONS.

Wednesday, May 31.

[PETITION OF MR. BEAUMONT.] Sir Francis Burdett presented the following Petition from George Beaumont: viz.

To the honourable the Commons of Great Britain and Ireland in parliament assembled.—The Petition of George Beaumont, late printer, publisher, and sole proprietor of a Sunday newspaper called the British Guardian, but now a prisoner in his majesty's Gaol of Newgate:—

"Sheweth; That your Petitioner in his paper of the day of last, inserted a letter under the signature of "Tiberius Gracchus," condemning the disgraceful Convention of Cintra, which "disappointed the well-founded hopes and the just expectations of the nation."—That your Petitioner therein attributed this disaster to the same cause as the late Earl Chatham, Mr. Fox, Mr. Burke, and Mr. Pitt, had attributed the war against the freedom of America—to an interior cabinet irresponsible to the people; to a power behind the throne, greater than the throne itself.—That for treading in the footsteps, and repeating the language of these illustrious persons, his majesty's Attorney-General filed an information against your Petitioner for a libel, on which he was convicted, and sentenced to two years imprisonment in Newgate, to pay a fine of 50*l.*, to enter into recognizances for his good behaviour, for five years after the expiration of his imprisonment, himself in 300*l.*, and two sureties in 200*l.* each, and to be imprisoned until such fine be paid, and such security be given.—That such sentence is contrary to the mild spirit of the British constitution, as it will necessarily occasion his perpetual imprisonment. —That soon after the information was filed, your Petitioner was arrested under and by virtue of the powers given to the Attorney-General, by an act passed in the last sessions, chapter 58, and was detained two months in prison before he received his sentence, a circumstance before unknown in the administration of our laws, and such previous imprisonment was not taken into consideration by the learned

judges, in the sentence which they afterwards passed upon him. Yet, but a few days before, when a public defaulter was brought up for punishment, only twenty-one months imprisonment was inflicted on him, a previous confinement of three months being taken into consideration, and no fine was imposed; for your Petitioner submits, that the having, previously to coming up for judgment, repaid the money which he had improperly obtained, cannot in any sense be called a fine. And, on the same day, on which judgment was passed on your Petitioner, a person convicted of corrupt and wilful perjury, was sentenced to an imprisonment of three months only; yet your Petitioner, for an undefined offence, is to undergo, and is undergoing, an imprisonment of two years and two months certain, and for the remainder of his life, unless he can find sufficient securities.—That mankind in general estimate crimes by the punishments affixed to them, and it therefore tends to ruin the morals of the people, to inflict a more severe punishment on a person who has blamed the conduct of an administration, than on those who have peculated from the public stock, or forsworn themselves in courts of justice.—That your Petitioner was not fairly tried, for the forty-eight special jurymen were not impartially and indifferently chosen between the crown and your Petitioner, but were selected by the master of the Crown-Office.—All which your Petitioner submits to the consideration of your honourable house, and prays that you will afford him individually such redress, and take such measures generally to prevent the recurrence of similar evils, as to your wisdom shall seem meet."

The Petition was ordered to lie on the table.

[Seamen's Wages Bill.] The house having resolved into a committee upon this bill,

Sir *Charles Pole* objected to it, on account of the discontent excited amongst able seamen, veterans in the service, by the deductions from their pay, first for their slops, and secondly for the allotments to their wives and children; through which means it often happened, that at the end of a long voyage, for six or a dozen months, a seaman had not more than 40*s.* to receive; and contrasting this with the case of militia soldiers, whose wives and children were provided for by their parishes, he thought it a hardship, and one which was the frequent ground of complaint. At the very moment when such seamen were called on to set out for a subsequent voyage without a shilling in their pockets, they saw volunteers, inferior seamen, and even landmen, who had never served an hour, receiving large bounties for entering on board, and were often so piqued as to desert their ships.

Mr. *W. Pole* answered the objections of the hon. baronet, by saying the bill was adopted in compliance with the recommendation of the Committee of Naval Revision, and it was considered rather as an indulgence to seamen while fighting the battles of their country, with the admiration of all the world, to enable them to allot a part of their earnings for the maintenance of their wives and children, and save them the necessity of appealing to the parish. This bill extended the principle, and enabled them to allot part of their pay to their aged fathers, which, by law, they could not do before. The honourable admiral argued as if this allotment on the part of the seaman, were compulsory, whereas it was merely optional.

Sir *C. Pole* said, that this bill might be very favourable to the parishes, but he did not conceive it would be favourable to the navy. He should not, however, divide the house upon it.

The bill then went through a committee, and the report was ordered to be received to-morrow.

[Vote of Credit—Address respecting Austria.] The Report of the Committee of Supply and of the Vote of Credit was brought up. On the question that the Resolutions be agreed to,

Mr. *Whitbread* rose. He felt himself under a difficulty as to the line of conduct he should adopt in this case. In one part of the vote he could agree, in the other he could not; and he saw no way of extricating himself but by a step which he had taken once before, and which he must now again resort to, if he found any person of the same opinion with himself, namely by proposing an Address to his majesty on the Message, which should be expressive of the opinion he entertained on the subject, and record it upon the Journals of the house. He agreed that it was right, that ministers should be vested with a power to assist Spain and Portugal, though he doubted much, from appearances, and from the exaggerated statements both of our commander and minis-

ters, that the contest would terminate in the subjugation of the one country, and in the other being wrested out of our hands. He did not wish, however, that ministers should have no power to afford to those countries such assistance as they thought proper, and might be necessary; While there was life there was hope. The peninsula was engaged in a glorious cause, and after the share we had taken in it, he could not say that we ought, till the very last moment, to abandon men who were fighting for what was as dear as life itself—liberty and independence. He could not agree with a member of administration, in another place, that the cause was as hopeful as ever, but still he did not wish it to be abandoned without another effort. He understood a right hon. friend of his (Mr. Ponsonby) not now present, was to have said something on the present question as to Austria; and in the absence of that right hon. friend he felt himself called upon to state his own views upon the subject. If the struggle in which she was now engaged was not forced upon her by France, she seemed to have chosen an improper time for it. It appeared that it had been entered into without any concert or advice of this government; that every thing had been conducted on the part of his majesty's ministers, in the language of coldness; that they had even dissuaded her from the contest. But whether she had been compelled by necessity to adopt the measure, or had resorted to it from choice, the events which had taken place during the short period she had been engaged in war, plainly shewed that she had gone to war without making a good calculation of her own strength, or any correct estimate of that of the enemy she had to encounter. Flattering accounts were circulated of insurrections having taken place in favour of Austria, but every one knew that Buonaparté had marched from the Rhine to Vienna in a shorter time than he did when he subdued the country before, without experiencing any opposition from the people of Austria or of Vienna, who had been represented as glowing with the most ardent enthusiasm in the cause. Some faint resistance had been made by the archduke Maximilian with a small body of troops, by whom some even of the inhabitants of the city had been destroyed, but the people had taken no part in the struggle. In the same manner we had been pompously told of the enthusiasm of the people of Oporto; yet they, it appeared, had received the French troops as willingly as they did the English army. We were now amused in a similar manner by accounts from Austria, but in his opinion no rational hopes could be grounded on such information, and whatever might be the motive which again induced Austria to brave the power of France, he thought such an ill-advised step would end in her subjugation and ruin. With respect to the conduct which this country under such circumstances ought to pursue, he trusted he should not be thought ungenerous in his sentiments, or niggardly in disposing of the country's resources, nor yet as furthering the views of France, as in some of the public prints under the control of the Treasury, he had been libellously represented, when he asserted that Austria could not successfully withstand the force of France. [The allusion to the public prints produced a cry of order, order!] He insisted that he was perfectly in order; and, if any gentleman thought otherwise, he should repeat his words, to afford an opportunity for their being taken down for the purpose of making him justify them. Notwithstanding the libellous misrepresentations of the prints under the control of the Treasury, he would still assert as his unalterable opinion, that, as from the events which had already taken place, and from those which he thought would certainly take place (God grant that he might be mistaken), it was probable that Austria, as well as Spain and Portugal, would shortly be crushed beneath the power of France, and we alone should have to wage war with fearful odds against the enemy, our resources ought to be most carefully husbanded, that we might be enabled to make the firmer stand. What, then, remained for us, but to enter into the struggle with the undivided and augmented power of France, single-handed? With the prospect, then, of what might be the possible event, were we not called upon to husband our resources against the day of need? the more especially, as, by looking into the Treaty recently concluded with that power, it appeared that we were not pledged to any specific advance to Austria; and considering that although no aid of money would or could afford her any effectual assistance, under her immediate difficulties; yet, that very advance would operate as a most severe pressure upon us. Contemplating, therefore, the enormous sums that had been already

lavished upon that power, whether under the name of subsidy, or that more specious one of loan, he thought it his duty, as a member of parliament, to make a stand against granting any further subsidy or loan to assist her. Conscious of his own rectitude, and regardless of what might be said of his conduct, he would say for his own part, that he would not consent that a single shilling should be expended to support the cause of the Austrian empire. Austria, it was true, might be considered as having been always a faithful ally to England. In 1805, she was seduced by Russia and England to break her faith with France. The engagements of nations were generally regarded only as far as they were connected with the interests of the powers who contracted them, or the coalition between Russia, Austria, and England would not have been avowed openly as it was: a coalition entered into on the principle of restraining France within her ancient limits, in violation of the faith of existing treaties. England was to have paid for this violation of good faith, and largely was she to have paid, had not the rapid successes of Buonaparté rendered it impossible to fulfil the contract. Austria was completely subjugated through the treachery of some of her generals, as it was said, but certainly by the preponderating power and genius of her adversary. The Prussian empire was next overturned by the armies of France; that led to the battle of Friedland, which, followed by the Treaty of Tilsit, had united Russia and France against England, and most probably against Austria. Where, then, remained the hopes of success in the present contest, when already her capital, as before, had been conquered? or could they really entertain any expectation of being able to restore Austria merely by opening our purse-strings? After the rapidity of movement of the last month, could we expect that the assistance which we should be able to dole out, could do any good, or could even protract the contest. He would not therefore consent to impose burdens on his constituents, which great as their sacrifices might be, could not exceed a scanty pittance, which at best could only serve to protract the struggle four or five days. He thought independently of all those circumstances, he could not agree to grant the sums required, as they were moved for. It would be establishing a most dangerous precedent to pay bills which Austria without any authority had drawn on this country. Were he for giving the sum required for her assistance, he would never consent to vote it in that form. Whether Austria or France was in the right, he would not take upon himself to say, though, for the sake of argument, he was ready to admit, that the good faith in this instance was all against France: yet he would assert that from the period of the Revolution down to the rupture with Spain, France had almost always been attacked, and never the attacker. Every one must know, that France, immediately after the Revolution, was attacked by the coalesced powers of Europe. Their plan was to drive France within her ancient limits, and curtail her territories. The war of the first coalition enabled her, however, to extend her territories; and was continued with the object of driving her again within her old limits. He did not say France was in the right. He had never said so. Yet he was not persuaded that Austria was not to blame. Her territory, even her capital had been restored to her; and he could not find himself prepared to say that she was correct in forgetting these, supposing them only to be, nominal obligations. That France might have had it in view, at some convenient season, to swallow up Austria, it was not in his power to deny, as ambition was a growing quality. He could not think, however, that the present was exactly the time he would choose for putting such a purpose into execution. It might be a moment convenient for Austria, but could hardly have been so selected by Buonaparté. Whatever the plans of Buonaparté might have been; however connected with the future fate of Austria, the present war could not be thought to be one of his seeking. The presumption therefore was, that Austria, from the circumstances of the French armies being employed in Spain, thought it a good opportunity to commence hostilities. Under all the circumstances of the case, and upon these grounds, he was decidedly against granting money to Austria, but he did not oppose the grant to Spain and Portugal. At a time when the people of England were every where talking of the injustice of Buonaparté towards Spain (which he did not defend), he was surprized at the national blindness to our own feelings and aggressions, recently manifested in the choice and approbation of our ambassador to that country. If there

were a man in the universe who in another part of the globe had acted as Buonaparté had done with respect to Spain, it was the marquis Wellesley. His conduct in the East Indies was perfectly similar to that of the French emperor. He knew many would scout these notions, and assert that what the marquis Wellesley did was from zeal for the public service. The people of Spain, if they knew any thing of the affairs of this country, must know what that noble lord had done in India; but, then, all he did there proceeded from an ardent zeal for the public service, while Buonaparté, in acting the same part, was said to have been urged on by the instigation of the devil. They were doubtless the same acts, however dictated by different motives. Be that, however, as it might, the nomination of his lordship was certainly a bad omen, as the people of Spain must know that the marquis Wellesley would, if the opportunity should offer, take both Spain and Portugal as Buonaparté had done, through his ardent zeal for the service of his country. He had not had the advantage of hearing the right hon. gent. opposite (Mr. Canning) nor his hon. friend (Mr. Ponsonby) prior to his rising, but he had an advantage which he could not have expected; for after having heard so much about gentlemen making speeches at the Crown and Anchor tavern, amidst shouts, huzzas, &c. which of course were excluded from the London Tavern, he did not expect to find a taverner among the gentlemen opposite in the right hon. secretary. He only knew of the circumstance from the papers;—perhaps there might be some mistake; it might be some other Mr. Canning; but it was somewhat remarkable, that on the day on which that favourite actor, Mr. Lewis, was announced by the play bills as intending to take his leave of the stage, the newspapers should contain so fair an account of the *debut* of so promising a performer at the London Tavern, when after three toasts had been drank with three times three, Mr. Canning arose, amidst loud cries of hear! hear! hear! to declare, what he believed no other minister had ever before done in such a place, the intentions of the government with respect to Austria, Spain, and Portugal, at the suggestion of the chairman, Mr. John Inglis, who had greater authority there than the Speaker had in that house. [Here the hon. gentleman produced a newspaper, to prove that Mr. Canning rose at the suggestion of the chair.] The Father of the Administration (the Lord Chancellor) had declined that office—his feelings would not suffer him to enter into the detail—but one of his sons, with stronger nerves, had taken the task upon himself, and gone through it to the admiration of the company. That right hon. gent. had stated, he believed, more than had ever been stated in a tavern before. Persons out of office had been censured for speaking of what passed in parliament on a table at a tavern, but he did not believe a right hon. secretary had ever been censured for developing the intentions of government on a table at a tavern before. He did not know whether the right hon. gent. stood on a table (on which circumstance so much had on some occasions been said); but whether he stood on a table or a chair, or on the floor, was not of much importance. A right hon. secretary's expounding the mysteries of the government to the multitude assembled at a tavern dinner, was a sufficient novelty to attract a crowded house, whenever the exhibition might be expected to be repeated. He could not refrain from remarking that of all misrepresentations, that was the basest which unreasonably elevated the public mind, by holding forth the expectation of happy results, which never could be realized. A gallant officer, to whom, whether absent or present, he should pay the sincerest tribute of respect, (Sir A. Wellesley) had gone out to Portugal, and in the late accounts received from him had certainly made some exaggerations; but these were nothing when compared to the exaggerations contained in the letter of a noble lord to the Lord Mayor, on the subject of that communication. In fact, it had been stated by that noble lord, that Marshal Soult was vanquished in three successive battles. In his opinion, our army was only engaged with the rear guard of the enemy, and not with its main body under Soult. He would wish to ask, what force on our part, would be efficient to ensure ultimate success, if not mainly, and in principle, supported by the people to whom we were giving assistance? Within a few days, accounts had gone abroad of a second evacuation of Madrid; but he really believed no diminution of the French force in Spain had taken place, on account of the French Emperor's attention being called to Austria; on the contrary, he conceived their force in that country to be much more than equal to the resistance opposed to them.—The hon. gent. remarked on the dissensions of Spain as at-

tended with considerable danger to its cause, and particularly adverted to the accounts lately received with respect to dissolving the Junta of Oviedo. Were we not compelled he would ask to husband our resources for the last contest we might be engaged in for the preservation of ourselves? Whatever heart-breaking there might be in the case, upon these grounds, he felt it impossible to acquiesce in the vote so far as regarded Austria, at a time when it might happen that we should have to contend against the enemy, not in Spain or Germany, but at home.—On the subject of peace he would say, that the ways of providence were inscrutable, and that in the most desperate cases were frequently perceived the openings to safety. As long as he lived he should never despair of that valuable object, which was the greatest blessing a country could receive, and which on the first practicable opening should be eagerly embraced. He should propose instead of the resolution, the following address to his majesty—"That an humble Address be presented to his majesty, to return to his majesty the thanks of this house, for his majesty's most gracious message, wherein his majesty has been pleased to inform his faithful commons, that the ancient relations between his majesty and the emperor of Austria have been happily restored, and that his majesty will be graciously pleased to direct the treaty, whereby such relations have been confirmed, to be laid before the house, when the ratifications should have been exchanged. To assure his majesty that this house will lose no time in taking such treaty into its most serious consideration, in the earnest hope that it may be found, that the stipulations of such treaty have been concerted with wisdom, and that the interests and existence of the Austrian empire may not have been put to increased hazard, by the adoption of rash and precipitate counsels.—To acquaint his majesty that this house sees with satisfaction, that the provisions of the treaty with the emperor of Austria, do not include any stipulation for pecuniary assistance from this country. That his faithful commons have learnt with surprise, that without any authority given on the part of his majesty, the Austrian government has thought proper to draw upon his majesty's treasury, for certain sums of money, in aid of her warlike operations: that with whatever regret such refusal may be accompanied, his majesty's faithful commons do nevertheless feel themselves bound to refuse the payment of such bills, or to give countenance to such an unauthorised act on the part of a foreign power, which, being totally without precedent, might itself go to the establishment of a precedent of a most dangerous nature, and such as the house of commons, as guardians of the public purse, can in no way consent to sanction.—And further to acquaint his majesty, that upon a review of the enormous sums of money, which, under the direct title of subsidies, and under the most specious denomination of loans, have been advanced by this country to foreign powers, by far the largest part of which has been given to the house of Austria, and the result of such exertions, as manifested in the present state of Europe, his majesty's faithful commons do not feel themselves justified in consenting to the advance of any further sums of money for the emperor of Austria. The view taken by his majesty of other intended demands likely to be made upon the resources of the country, plainly shew that his majesty does not contemplate the propriety or possibility of making any such large advance as could be likely to give any great additional support to the internal resources of the Austrian empire; whilst at the same time every additional burden upon the subjects of these kingdoms must be severely felt, and ought not to be imposed, except where the national faith is pledged, the advantage to be derived probable, and the expectation of such advantage grounded upon wise and well matured calculation.—To assure his majesty, that so long as a hope can be entertained of a successful issue to the Spanish cause, and consistency and effect can be given to the exertions of the people of Portugal by pecuniary assistance from this country, his majesty's faithful commons will cheerfully grant to his majesty the means of furthering so great and glorious an object; but in making such sacrifice, on the part of the people, his majesty's faithful commons earnestly recommend it to his majesty, that the application of the money entrusted to his majesty's disposal, should be made with the greatest care and the most attentive discrimination; always recollecting, that the events of each succeeding day shew the necessity of strict economy in the management of the resources of the state, in order to be prepared for that last and most arduous struggle, to which, as it appears to

this house, these events are but too likely to lead."

Mr. *William Smith* said, that he was inclined to pay the utmost respect to every thing that fell from his hon. friend, not only on account of his talents, but on account of that industry with which he was known to attend to subjects of this nature; and he had no doubt, but that the country held in just estimation the motives by which the conduct of his hon. friend was, in every instance, influenced. It was, therefore, with the utmost pain that he differed from him upon any subject, still more, in the present instance. For his part, he did not see any great distinction between standing on a table at the Crown and Anchor, and standing on the floor at the London Tavern. He did not see any great distinction between meeting to celebrate the birth-day of Mr. Pitt, and meeting to celebrate that measure (Parliamentary Reform) most prominent in his politics, and one which perhaps those who supported him would be inclined to regard as the most distinguishing feature of his character. He (Mr. Smith) was one of those who firmly believed, that the war at the commencement of the French Revolution was a defensive war on her part; but it appeared to him that the aggressions of France, since that period, particularly in the instance of the attack upon Spain, which was accompanied with such enormous aggravations, entirely altered the complexion of the politics of Europe, and the nature and character of the war. He believed that France had a disposition to attack Austria. He was extremely ready to agree, that his hon. friend had brought forward strong arguments in favour of the side of the question which he espoused; at the same time, he considered them all reducible to one ground, namely, whether under any circumstances, any step should be taken for the preservation of Austria? He was averse to saying, that under any circumstances he would not agree that his majesty's ministers should afford any such protection and support. If the gentlemen who had some time ago conducted the affairs of government were still in power, he would be willing to confide in them; to the gentlemen now on the opposite side he was willing to give credit for integrity and honesty of intention; and therefore, under the present circumstances, he thought himself bound to give them his confidence, and entrust them with the means necessary to the object they had in view.—He thought there would be an inconvenience and mischief to Austria attending the sending back those bills, undischarged, infinitely greater than any ill consequence that was likely to arise from the precedent; and he was willing to contribute his sanction to the payment of them.—Before he sat down, he would take the liberty to advert to some other points. He had formerly made some observations upon Sicily, which had given some offence. It was done in compliance with his parliamentary duty. He thought it of the utmost importance, that that country should be capable of resistance, and he much doubted whether it was placed in that situation which was calculated to admit of successful resistance. There was another topic upon which he would touch, that of America. He could not sufficiently deprecate a practice which, he was sorry to say, obtained some kind of sanction from the conduct of this country, that of condemning, as Droits of Admiralty, vessels that had the misfortune to approach her shore, under the confidence of an amicable disposition; but which on war breaking out in the mean time, were detained as prizes. The hon. member concluded his speech with expressing a hope that his majesty's ministers would hereafter give way to a more enlightened policy.

Mr. *C. Hutchinson* spoke in favour of the vote of Credit, and thought a supply should be afforded to Austria, even although it enabled her to hold out but for one week longer against the common enemy. He condemned the tedious and ill-concerted military operations of this government, who contrived to send our armies into the field always out of place and time.

Mr. *Ponsonby*. The question before us, Sir, I take to be this; whether we shall grant three millions of money in the shape of a Vote of Credit, and leave it to the discretion of his majesty's ministers to apply some part of it in support of the contest in which Spain, Portugal, and Austria are engaged against France? This, although much of other matter has been introduced into the discussion, is certainly the only point we have particularly to consider upon the present occasion. That we should enable his majesty's ministers to assist Spain and Portugal with part of this money, every body seems to allow, as being reasonable, politic, and proper; the only doubt started is, as to how far we should

go, or whether we should go any length at all, in assisting Austria? My own opinion, sir, upon this point, certainly is, that ministers must be vested with a discretionary power. I cannot say positively whether it be wise or not to assist Austria with money in our present circumstances. It is impossible for me, with the limited information I am possessed of, to give a positive opinion at the present moment; but thus far I am disposed to state, that in my opinion, any assistance we can afford to give her in that way, will not be of any real utility to her. If, however, ministers do advance any of that money to Austria, and can shew, upon another and a future occasion, that there was good reason to imagine advantage was likely to arise from it, even although Austria should ultimately be unsuccessful, I shall not be then disposed to blame them. As to the mode in which this money has been asked for by Austria, I must observe that I perfectly agree with my hon. friend (Mr. Whitbread) in thinking it most extraordinary. At the same time I am bound to add, that his majesty's ministers will be deeply responsible, if it should be found that any great encouragement had been held out by them to Austria, to induce her so confidently to rely upon our assistance, though it may perhaps be justified, when we consider the nature and character of that power against whom she is contending. When we are involved in the same struggle, I am not disposed to condemn ministers for not protesting those bills which Austria has lately drawn upon this country, but my firm opinion is, that Austria, in her present situation, is irretrievably ruined. I thought she would be reduced to that condition, before she drew the sword, and now when she has drawn it, I find no reason to alter that opinion. I am much afraid it is not now in the power of this country to avert that calamity. If it could have been done it was our duty to have done it. As that power has undoubtedly been our great stay upon the continent of Europe, our object should be to maintain her to the utmost, as the greatest continental power competent to contend with France, and maintain a balance in Europe; but now it is too late, when we find that France is determined to seize the opportunity of a favourable moment to crush her, and render her incapable of further resistance.—With regard to Portugal and Spain, the case is quite otherwise. We have already so far engaged ourselves with those countries, and have acted with them so long; have given them so much encouragement, and are so bound by stipulation and alliance with themselves and their cause, that it is impossible to retract, or that any one can say that we ought not to leave the money at the discretion of ministers, to bestow upon those powers as it may be necessary, and they shall think fit. Upon such an occasion as the present, it would be, perhaps, most discreet, to abstain from offering any opinion as to what may happen, or as to what may be most for the interest of this country in the proceedings of government; but I cannot, Sir, consistently with my own feelings, and the duty I owe to the country, refrain from hazarding one by way of caution, as to their future conduct. My opinion is, that the contest of Spain and Portugal will wholly fail of the wished-for success, and that the power of France will become as completely predominant in these countries, as it is over any other part of Europe. What, then, does this country require on the part of ministers? It requires that they, as the government of the country, should, at a time when there is yet the means of doing it, take care to secure the insular and American possessions of Spain and Portugal, so as to place them out of the reach of France. When I say secure, I do not mean that this country should exercise any act of dominion over these possessions, or steal them as plunder arising from the wreck of the Spanish cause. No; but I say that this country should, by the employment of its counsels and advice, together with the application of all its strength and means, place South America, in particular, in that state, in which it shall not be possible for France to make Joseph Buonaparté in reality, as he is already by assumed title, king of the Indies. I hope we are not so entangled by any of our engagements, as to Ferdinand VII, (who, although the lawful monarch of Spain, is at present nothing more than a prisoner of Buonaparté,) as to be prevented from availing ourselves of doing that which necessity might teach us we ought to do; I mean, of supporting any disposition that may be evinced by the people of South America to set up a government of their own. If they choose to set up the government of Ferdinand the VIIth, be it so. This country should support them in following their own inclination, so far as is compatible with their interest and our security. But if we put off taking our steps till a distant day, when the power of

France becomes thoroughly established in Old Spain, she will find the means of drawing a part of South America along with it, under her dominion and controul.—I take the present opportunity of making this observation, as, before the next session of parliament commences, perhaps the time may actually be past, in which this country can take any steps at all upon the subject. Every one knows, that it is not in the power of gentlemen on this side of the house to have all that information that can enable us to form a correct opinion; but I only suggest, for the consideration of ministers, previous to that period, what I conceive to be for the real interests of the country.—There is also another subject upon which I wish to hazard an opinion by way of suggestion to his majesty's ministers. If France succeed in Spain and Portugal, what will be the situation of those countries? All those individuals who have resisted the power of France, must expect from her that treatment which she has never failed to deal out towards those in other countries that have resisted her. Whatever promises may be made to them in the moment of difficulty, France will never look upon them but with a jealous eye; and will govern them with an overbearing hand, and it is therefore the interest of these individuals to unite with us in effecting whatever object may tend to the permanent interest of England; for in doing so, they effect their own safety. If, therefore, we must quit those countries entirely, we should render their resources of as little avail as possible to the naval power of France. When that crisis occurs, we should have it concerted with the inhabitants of those countries, that they should agree with us to destroy their maritime power and ports as effectually as possible. France should be disabled from fitting out fleets from the ports of Lisbon, Cadiz, and Carthagena, against this country. If the inhabitants should lose, or yield those fleets and naval arsenals, they ought to know that they are yielding them to the enemy of their ally; and that if they are sincerely our friends, they ought to surrender them to those who will and can manage them for their advantage. I desire not that this country should by this procedure and advice act the part of a pirate or of a treacherous ally: nor that we should forcibly destroy those ports I have mentioned. I mean no such thing. But I do mean, that the government should be upon its guard to use all possible means, in a proper season, to induce those, who now resist the power of France, to present the evil consequences that might subsequently result from their subjugation, by rendering their naval force of as little advantage to the enemy as possible, and to enter into all our views; for it is manifest to every body, that the first thing that any statesman at the head of the councils of this country ought to look to is, to increase, as much as possible, the maritime power of England, and to destroy or diminish that of France. We must look upon ourselves as wholly independent of the continent of Europe, cultivating the commerce of all other countries in the world, and by our maritime force directing our efforts to exclude France from that enjoyment.—I have thus, from a strong sense of duty, taken this opportunity of exciting the attention of ministers, between this period and next session, to what appears to me to be the only means of ultimate safety for this country by securing what it possesses; and increasing its power in the same proportion as that of France, as the only means of enabling this country to close successfully the contest in which we are engaged.

Mr. Secretary *Canning* said, that whatever shades of difference there might have been in the speeches of the hon. gentlemen, yet the general result of them all was so much in favour of the proposed resolution, that he might agree with their general matter, and be dispensed from making any further observations. He should incline to act thus, were it not that he stood liable to be challenged by the right hon. gent. who last spoke as not having attended to his call, though on many other occasions it might be said he had attended to calls of a more irregular tendency. There was but one part of the right hon. gent.'s speech which in detail he should consider it necessary to oppose, for in fact an hon. gent. opposite (Mr. W. Smith) had, in what he said, dismissed the other points which the right hon. gent. had stated. The sum which on this occasion was voted was the same which was usual in war time, and upon the like occasions to grant. There could be no great jealousy in the house with respect to the sum or the method of its application. The specific mention of Austria in his majesty's Message had not been, in fact considered as by any means necessary. If it had not been for the peculiar exigencies of that country, she would not have proceded

to draw for pecuniary advances in the manner she had done. There were three grounds stated for this vote of credit, any one even of which he should have thought sufficient to induce the acquiescence of the house, and to insure the accustomed confidence in the discretion of his majesty's government, that the sum would be properly applied to any exigency that might arise. With regard to the sums for which the Austrian government had thought proper, without any authority, to draw upon this country, he could assure the house, although it was determined to pay them, that such measures had been taken by remonstrance and other means, as were calculated to guard against such a case being drawn into precedent. In the remonstrance, however, which had been made to Austria upon this occasion, care was taken that nothing should occur, which could have the complexion of harshness, for the nature of the exigency and the difficult circumstances of the communication with this country must, independently of other considerations, forbad the slightest resort to any thing of that description. From the manner in which something that escaped from him on a former occasion had been interpreted by the gentlemen on the other side, he thought it necessary to repeat, that ministers left it entirely to Austria herself to consider the capacity of her own resources to engage in the present contest, and to determine the question whether the situation in which he was placed with relation to the enemy, was tolerable, or whether it was preferable to make a struggle for her liberation. Such, indeed, was the conduct of this country with every other state. Austria was advised to examine her own internal strength, to compare it with the resources of the enemy with which she had to contend, and not to look to any auxiliary support this country was capable of affording, to enable her to rise out of such a war with safety. His majesty's government, therefore, although it did not discourage Austria from making an effort which she deemed necessary to her own honour and safety, could not be said to offer any counsels that could commit itself in the undertaking. But when Austria had embarked in the contest, it was thought wise by our government to furnish every assistance in its power. It was not that Austria, engaged in the war exclusively to the aid of England, acting as a conductor to withdraw from its shores the influence of the dreaded lightning, but it was under the impression, that as she had entered into, so she should either come whole out of the contest, or expect that her ruin would be the consequence.—Austria sought self-preservation. She determined rather to attack the enemy beyond her frontiers, than by waiting his approach, to afford facilities for her destruction. Under the impression made by this situation of Austria it was, that every hon. gent. save one, had made an allowance for the manner in which she acted, respecting the advances demanded from this country. The hon. gent. had not perhaps, in so decided a manner as on a former occasion, expressed his opinions on the question of justice on the side of Austria; though not content with other presumptions in favour of France, he had collected from the early periods of the revolutionary war materials to show that all Europe had not acted with any other view than the partition of unoffending France. The hon. gent. here rested only on exploded documents, which were known to be forgeries, representing the princes of Europe in the light of partitioners, and which documents were current at that period when all Europe was inundated by representations against the crowned heads and old establishments of the continent. On this occasion there was the precedent of the oppressed rising against the oppressor. The hon. gent. had said much of Austria not turning round till she saw France engaged in another quarter. Was it to be expected that Austria should patiently and unresistingly wait till France had thought proper to swallow her up? He could not persuade himself to acquiesce in the gloomy forebodings of the hon. gent.; because though Austria might ultimately fall, it would be setting an example of hopelessness and submission even then to despair. He would say, that the powers which now assisted the enemy in his exertions would perhaps, ere the last act was accomplished, regret that they had ever united their means with his. If it should prove, that even after the capture of its capital, the heart of Austria had yet remained entire, then was her situation much superior to what it was at any former period. If the example of the contest in Spain, in which alone the arms of France had been as yet opposed with effect, should be imitated in Austria, he saw no reason to justify despondency as to the Austrian cause. With respect to Spain and Portugal, all were of one

opinion as to the propriety and policy of the assistance to be rendered to them. He could not, however, but observe, that the speech of the right hon. gent. (Mr. Ponsonby) would place ministers in a situation of considerable difficulty. The last session a warning came from the other side of the house on this subject, to the effect that ministers should abstain from any thing which would look like the exclusive consideration of British interests. They now were bequeathing a legacy of caution rather to provide for a reverse than for success, and thus encouraged in this instance what they on a former occasion disavowed. The advice of the right hon. gent. might in fact, if followed, furnish him with a certain ground of attack against ministers. Between these two contradictory courses, ministers were placed in such a situation, that he had no doubt that which ever should be pursued, the party to which the right hon. gent. belonged would contrive to find materials for censure. Thus the right hon. gent. would in either point of the dilemma have the best of the argument over ministers. With respect to the observations that had fallen from an hon. gent., in relation to the maritime rights exercised by Great Britain in the detention of neutral vessels: he besought those philosophers and theorists, who were so fond of recommending their abstract notions of justice to the adoption of ministers, particularly respecting our maritime ascendancy, which might, and no doubt was sometimes abused, to consider the character of the enemy whom we had to encounter, and to reflect whether we ought to disarm ourselves of any retaliation upon him, by whom no principle of justice whatever was held sacred. When it was considered that in all the countries of Europe British property had been confiscated; when it was considered that contrary to the mitigated practice of the law of nations in modern times, if not contrary to the recorded law, the persons of unoffending travellers had been seized not only in France but in every country under the direction of France, it must be manifest that if there was any thing in the maritime practice of this country which ought to be modified, it should be so modified, not by an act of the parliament, but by a mutual arrangement with the other powers of Europe. It would be most unwise to seize a moment of unexampled violence as the fittest for disarming ourselves of a practice so long adhered to, and which had woven itself into the principles of our maritime warfare. As to the connections between this country and the island of Sicily, he had formerly made some observations to the house relative to the right which it was asserted Great Britain had acquired by defending Sicily to interfere in the melioration of her internal affairs. He differed widely from the hon. gent. opposite in thinking, that a period when a British garrison was in a country was the period when recommendations of the nature alluded to ought to be made. The blessings enjoyed under the British constitution were the effect of gradual, not of sudden improvement. It was not because we carried in our bosoms the image of that constitution, that we should expect to see it reflected in every other country. It was to be hoped that any nation whose intercourse and union with Great Britain were intimate, would gradually imbibe the feelings of Great Britain; but it could not be expected that 16,000 bayonetted philosophers would suddenly produce the effect which in Great Britain had been the result of the Revolutions, and the accumulated wisdom of ages.—After adverting to the allusions made to the speech imputed to him at a late Meeting, at the London Tavern, to the formation of which he declared he gave no assistance whatever, the right hon. gent. begged it to be understood, that he never expressed any disapprobation of the discussion of politics at such meetings, his observations always applying to the nature and character of such discussions. He did not object to the practice but to the matter. Before he sat down, he could not avoid saying a few words on what had fallen from the hon. gent. respecting the appointment of a British minister to Spain. The hon. gent. had said, that this country had given the worst proof of its intentions towards Spain by the choice that had been made: and he had grounded this assertion on the presumption that the charges which had been made against that noble lord's conduct in India were well founded. But whatever might be the hon. gent.'s opinion of the noble lord's conduct, he had no right to presume that the house or that his majesty's ministers would be influenced by that opinion. For his part, he believed there could scarcely be found another individual to deny that marquis Wellesley possessed all those great and

splendid endowments which must qualify any man to act a distinguished part on the political theatre; nor did he believe that there would be found in the empire another individual to assert that any thing had passed in that house, by which the country ought to be induced to forego the advantage of lord Wellesley's talents.

Mr. *Ponsonby* in explanation said, that, last session, he refused to give any opinion or advice, as to what conduct ought to be pursued towards Spain and Portugal: he then declined, because he was in perfect ignorance of the actual situation of affairs, nothing having transpired. He was not so at the present time; he therefore gave his advice, and his decided opinion was, that if far other measures were not taken by his majesty's ministers, France would ultimately subdue the peninsula.

Lord *H. Petty* said, he was surprized that on a former night so much stress should have been laid on speeches at public dinners, when one of the ministers of the crown, had, at a tavern, made a declaration as to foreign politics, and excused himself in that house, by saying, it was the first time he was led into the indiscretion. He hoped the right hon. Secretary (Mr. Canning) would reap the same benefit from his first night's experience, as a noted person, who was eternally exclaiming against gambling, and who stated that he was so inveterate against that vicious practice, because he had once attempted it, and lost the chief part of his fortune, from which time he never gambled. He trusted, therefore, the right hon. Secretary had exhibited for the first and last time. With respect to Austria, he considered it a matter of great importance, how they laid down a precedent, which might put parliament in a situation in which it would be obliged to grant succour against its will. He was inclined to take the word of the right hon. gent., that no improper inducement was held forth to Austria, to incline her to go to war. Information, however, should be laid before the house, or submitted to the inspection of a committee on the subject. With respect to the assistance which it might be deemed expedient to afford Austria, for the further prosecution of the war, it was quite another matter. He felt that she was left no other alternative than war or subjugation; she found herself in the last gasp of her existence, and it became her to make a last struggle; but this country was bound to consider of what use the degree of assistance which she was able to contribute, was likely to be; whether the very small and limited supply in her power to bestow, was likely to enable that country to resist the power of France? and whether what would be much for England to give, might not be little for Austria to receive?—From this view of the subject, he saw the strong necessity for economising our resources; it was not economising merely for ourselves, but for Europe and the world at large. The period might arrive when the restoration of a new order of things would depend upon England alone; in the prospect of which she ought to be studious of economy.—With regard to the dilemma in which they were placed respecting Spain, if his majesty's ministers took the wrong side it would not be extraordinary; if the right, they still might not be exempted from reproaches—(Hear! hear! from the Ministerial side.) "I mean, said his lordship, if they choose the right side, and determine to give assistance to Spain, they may yet make such an application of the force—they may so divide, scatter and delay it, as to expose themselves to the just reproaches of the country" (Hear! hear! from the opposition.) He agreed in the principle which the right hon. gent. had laid down (though it was a new one for that gentleman to adopt) that they should suffer any thing rather than compromise the honour of the country. The warning of his right hon. friend was a good one; they should not lightly hazard an expenditure of money and of blood; but reserve them for that great effort which they might be called upon to make, and he hoped would succeed in making, at no distant period.

Mr. *Whitbread* then moved the Address, which was negatived without a division, and the Resolutions of the Committee were agreed to.

HOUSE OF LORDS

Thursday, June 1.

[KING'S MESSAGE RESPECTING THE CLERGY.] Upon the order of the day, for taking into consideration the Message from his majesty, relative to the Clergy.

The Earl of *Liverpool*, before moving an Address, in answer to his majesty's most gracious Message, observed, that it was intended to extend the bounty of parliament to small livings, under 150*l.* per annum.

From the returns made of all the livings in the several dioceses of the kingdom, excepting four, of which the return was not yet made, there were in all about 11,700; out of these, 3,291 were livings under 150*l.* per annum; upwards of 800 did not exceed 50*l.* a year; and of those which were above 50*l.* and not exceeding 100*l.* per annum, there were upwards of 2,000; but it was not altogether unsatisfactory, there was so large a proportion of greater livings, and that the proportion of those under 150*l.* was no greater than about a third. It was highly incumbent on the legislature to do all in their power to better the situation of a class of men, who, of all others, were most serviceable to their country. For this purpose, it had been thought proper by his majesty's government, that, agreeably to the system of an act of parliament, which created what was called Queen Ann's Bounty, application should be made this year to the other house of parliament, for a grant of 100,000*l.* which might in the same manner be appropriated to the increase of these small livings. In the mean time, he wished it to be understood that this was only a temporary measure for their relief; it preceded a system which, he trusted, in the next session of parliament, would be provided, for a more speedy and effectual increase of all these small livings. He thought, at present, there was not much necessity for saying more on the subject, and concluded by moving an humble Address, in answer to his majesty's Message, assuring his majesty of their readiness to concur in every measure which could promote so desirable an object as that recommended in the Message.

Viscount *Sidmouth* said, he could assure the house it was not with any wish to throw any objection in the way of extending the bounty of parliament to a class of individuals so deserving, that he rose to express his sentiments on the motion proposed for their lordships consideration. No man was more anxious than himself that the liberality of parliament should be extended to those small livings under 150*l.* per annum; but he was apprehensive they were now called upon to agree to a measure without sufficient explanation, and which was to be left to the other house of parliament; from those votes, he was led to conclude, the grant would come before their lordships at the end of the session, in the Appropriation Act.

The Earl of *Liverpool* shortly explained: the purport of this measure was only for the present year, and the grant would be disposed of on the principle of Queen Ann's Bounty.

Viscount *Sidmouth* continued to be of opinion, that the manner adopted would leave their lordships an opportunity of only an imperfect discussion, as in the present instance on the message itself. He compared it to Mr. Palmer's Claim; and their lordships should now, as they did then, entertain a jealous sense of any infringement upon their privileges.

Lord *Harrowby* entered into the merits of the measure under discussion. He conceived the privileges of the house would not, in the smallest degree, be affected by the present proceeding; he shewed that the grant on Mr. Palmer's Claim would not resemble the present; the former was unprecedented, whereas the latter had been recognised by the legislature in a former act of parliament. He compared the difficulty of increasing small livings, in the reign of Queen Ann, with that of the present times; there was on this account much room to be gratified. At that time, it was calculated it would take 203 years to increase small livings to fifty pounds a year, and 510 more to increase them to one hundred. This consideration probably led to the tardiness which ensued, and started difficulties in the way of their increase, accounted insurmountable. But, in the present times, on a moderate calculation, thirty-nine or forty years would produce what it was before calculated would require 203 years, and the other period of 510 years would be equally reduced in proportion. His lordship contended strenuously for the importance and the policy of attending to the interest and comfort of those clergymen who possessed small incomes.

The Duke of *Norfolk* coincided with the sentiments of the noble viscount. He was sorry the session of parliament did not commence in November, and thereby afford more time for the discussion of important business, and prevent their attendance during the hot months, and during that season of the year when many of their lordships were called upon to attend their respective duties in the country. The contrary practice, in his opinion, prevented, on the present occasion, that necessary discussion which ought to precede such an important measure as that under consideration.

The Address was unanimously agreed to.

HOUSE OF COMMONS.

Thursday, June 1.

[LORD BURGHERSH.] Colonel *Shipley* rose, agreeably to the notice he had given on the subject of the papers, relative to lord Burghersh's commission as a lieut.-colonel in the army. From circumstances which had occurred, he was happy to think, that it was not necessary for him to proceed in this business. He must, however, be allowed to say that, in bringing the appointment in question under the consideration of that house, he had not been actuated by any personal motive, or by any feeling of hostility to the noble lord who was the object of it. The noble lord had done nothing wrong. It could be nothing but a praise-worthy motive which could induce him to court preferment in the army, which, while it was an honourable, was also a laborious and hazardous profession. As for himself, he was solely actuated by a regard for the public service. He felt regret that the noble lord had been deprived of that rank to which he had so lately been promoted. He hoped that the circumstance would not deprive the country of the services of so gallant and meritorious an officer, as he was given to understand the noble lord had proved himself to be. He must, however, be allowed to congratulate the country on the result of the present business, as it proved that due regard would always be paid to the opinion of parliament and of the country. He congratulated the service on the victory which had thus been gained over ministers; and by which an assurance was held out to them, that no deviation would be suffered to exist in the regulations of the army, when any such deviation was fairly and fully made the subject of investigation. Having said thus much, and again declaring himself to have been entirely free from every private or party motive, he begged leave to withdraw his motion.—Leave was given accordingly.

[JUDGES' SALARIES.] The Chancellor of the Exchequer rose to move the order of the day, for the house resolving itself into a committee upon the proposed Augmentation of the Salaries of the Judges.

Mr. *H. Martin* declared his anxiety to learn whether it was proposed to defray the amount of the proposed increase out of the reduction of the Sinecure offices connected with our judiciary establishments; a measure strongly recommended by the most able reports of committees of that house.

The *Chancellor of the Exchequer* did not think that the present question should depend upon the nature or quantum of these proposed reductions. He considered the merits of the increase stood upon intrinsic grounds, and that the other was an after consideration. He then moved, that the Speaker do leave the chair for the purpose of going into a Committee.

Mr. *H. Martin* expressed his anxiety to guard against any misconception or misrepresentation of his opinions. He was distinctly a friend to the principle of the measure, upon the ground that to the great and valuable services of the judicial administration such an increase was highly necessary. But whilst he did justice to the judge, he also thought that it should not be withheld from the people. Fourteen years ago, after very laborious investigations, a Committee of that house had recommended the cessation of Sinecure offices, connected with the courts of law, to the amount of 27,879*l*. With such information before the house and the country, he asked whether the public were called upon to pay additional and deserved salaries to the Judges, that was not the proper moment to ask the minister who proposed it, whether it was his intention to meet such an additional augmentation from the fund, which must arise from the recommended reduction of useless offices in the courts of law? The answer to the question he was solicitous to obtain, as it would determine his support to the particular motion of the Chancellor of the Exchequer.

The *Chancellor of the Exchequer* forbore to pledge himself to any conclusive course of conduct, relative to the reduction of those offices. The present measure stood, he contended, upon wholly independent grounds, without any reference whatsoever to the subordinate offices connected with such situations.

Lord *H. Petty* also considered the present proposition wholly distinct from any reference to its collateral consequences. It was merely, whether in the present state of the public circumstances, the country was not called upon to render the elevated situation of a judge more commensurate with the labour he performed, and the dignity he was bound to support.

The Speaker then left the chair, and the house went into a Committee.

The *Chancellor of the Exchequer*, after

various preliminary observations, stated the object of his intended resolution, namely, to vote from the consolidated fund, such a sum as would afford 1,000*l.* a year additional, both to the chief barons and justices, and to the puisne judges of the courts of law in England. In pressing such a measure upon the house, he was aware that it would feel the necessity of enabling the elevated individuals in the administration of justice in this kingdom, to support that decent and due dignity; at the same time that such a course should not trench upon their property as individuals, or upon the future interests of their family. With respect to the other judiciary establishments of the united kingdom, he had to propose an increase at present only for the judges of Wales; taking the same standard as he did in the former instance, merely to make the real income equal to the nominal, he proposed an increase for the Welsh judges to the amount of 300*l.* a year.—With respect to Scotland and Ireland he was obliged to postpone any measure upon the subject. The house was aware that within a very short period a considerable alteration had taken place in the constitution of the court of session in Scotland. Until that alteration was fully completed, and its effects visible, the delay of such consideration could not, in his opinion, be deemed improper. And as to Ireland, although he had received a letter from the Lord Chancellor of that country, stating the equally strong claims of the Irish Judges to an augmentation of their salary, yet he was not, without further information on the subject, at present inclined to vote any similar proposition relative to that part of the empire. He wished at the same time to be understood, as giving no improper partiality, but as anxious that each measure should be brought forward upon the due occasion. He then moved, That there be voted a sum of 40,000*l.* out of the consolidated fund for that purpose.

Lord *H. Petty* supported this measure, so necessary to the proper establishment of dignified and exalted characters, who had always refrained from interference in politics. He trusted that it would be a spontaneous measure with every party in the house. Under all governments, the purity of the judicial establishment was never called in question, so that from the past, we might anticipate security on that head for the future.

Mr. *C. Wynn*, from the extended nature of the Welsh circuits, did not think the augmentation proposed to the Welsh Judges a sufficient one. He proposed, therefore, by way of amendment, that the augmentation should be 500*l.* per ann. instead of 300*l.* He knew many respectable persons, who, on being applied to, in order that they should fill those places, declined, on the ground of the great expences.

Mr. *Bankes* supported the amendment, and wished that the Welsh Judges should be excluded from parliament, on the constitutional principle that it was not right that those who were concerned in the exetion should have any share in the legislative part.

The *Chancellor of the Exchequer* said, the proposition of the hon. gent. deserved more consideration before it should be adopted, as it would tend perhaps to overturn the present judicature of Wales. He could not agree with another hon. gent. that the Welsh Judges acted in a perpetual judicial character as the Judges of England did.

Mr. *Adam* defended the proposition of further augmentation to the Welsh Judges, and hoped that those of Scotland, on account of their labour, would be shortly placed in situations relative to those of the English Judges.

The Amendment of Mr. Wynn was further supported by Mr. Bathurst, Mr. Horner, lord Milton, and Mr. W. Smith.

Mr. *Spencer Stanhope* did not approve of the Welsh Judges being admitted as members of parliament.

Mr. *Whitbread* did not oppose the augmentation of the salaries, but asserted the expediency, at the present moment, of directing that public justice should be carried into distant parts of the island twice instead of once a year. He thought, also, that a Welsh judge ought no longer to be allowed to sit in the house of commons, or to hold an office under the crown. He supported the opinion of his hon. friend (Mr. Martin), that the sinecure places in the courts of justice should go to make the increase proposed in the salaries of the judges. If these offices were not abolished at the present moment, at least a pledge ought to be given, that at some given period the sentiments of the committee, which had laid a Report on the table on the subject, would be taken into due consideration.

The *Chancellor of the Exchequer* did not think that the time of the judges would allow them to go the northern circuit

twice in the year; but this might be a subject of after consideration. As to the proposition of excluding the Welsh judges from the house of commons; if such a regulation were at present adopted, it would appear to be pointed at an individual who had always been most zealous in the discharge of his public duties. Nor was this properly the subject before the house.

Mr. *G. Vansittart* thought, that this was the time for declaring that the place of Clerk of Assize should not be sold in future.

Mr. *Ponsonby* was of opinion, that in granting an augmented salary to the Judges, the house ought not to mix any other question with that before them.

Mr. *Wilberforce* stated, that many complaints had reached him of the inconvenience sustained in the north, on account of there not being two assizes in the year.

After a few words from lord Milton, Mr. C. Wynn, and the Attorney General, the original resolution, and also a resolution for granting to the Welsh judges an additional salary of 400*l.* per annum, were agreed to.—The house having been resumed, the Report was ordered to be received to-morrow.

[Mr. CURWEN'S REFORM BILL.] On the motion of Mr. Curwen, the house resolved itself into a committee on the Seats in Parliament Bill, Mr. Wharton in the Chair,

The Right Honourable the SPEAKER rose, and addressed the Committee as follows:

Mr. Wharton;—Before you proceed to put the Question of Reading this Bill a first time, I wish to offer myself to your notice:

And although I am at all times unwilling to request the attention of the Committee of this House, thinking that I should render them no service by mixing in their general Debates, and feeling also the inconvenience of being precluded afterwards by my other duties in this House from explaining or defending my opinions in any subsequent stage of discussion; nevertheless there are some subjects of a paramount importance, upon which I do conceive that I have a personal duty imposed upon me (and perhaps the House may think in some degree an official duty) to deliver the sentiments which I entertain:—And such is the present.

The Question now before us, is no less than this—Whether the Seats in this House shall be henceforth publicly saleable?—A proposition, at the sound of which, our Ancestors would have startled with indignation; but a practice, which in these days and within these walls, in utter oblivion of every former maxim and feeling of Parliament, has been avowed and justified.

We are now, however, come to a pass from which we have no retreat. Upon this Question we must decide, Aye or No. To do nothing is to do every thing. If we forbear to reprobate this traffic, we give it legality and sanction. And unless we now proceed to brand and stigmatize it by a prohibitory Law, I am firmly persuaded that even before the short remnant of this Session is concluded, we shall see that Seats in this House are advertised for sale by Public Auction: And we shall have brought a greater scandal upon Parliament and the Nation, than this country has ever known since Parliaments have had an existence.

According to the course which these Debates have taken, three distinct points have been put in issue: First, Whether the traffic be a Political Evil; in the next place, Whether it be any Parliamentary Offence; and lastly, whether there is any safe and practicable Remedy by which this mischief can be put down for the time to come.

Sir; Into the first point, Whether this be a Political Evil, I do not mean to enter at any length; nor is it necessary to my purpose.

That the Influence of Property in maintaining Civil Order is of the highest importance, no man living can doubt: it is the firmest cement to all the relations of social life, it gives Stability to the State, and Prosperity to the Empire. That the Possessions of Property may, and must, and ought to have a predominating Influence in the Election of Members to serve in this house, I think is equally clear. But, that, abandoning all their legitimate rights of Influence, and laying aside all the virtuous and generous Motives of Friendship, Affection, and the fair preference of Talents and Integrity to fill places of such high Public Trust, they should go to a shameless and open market; that they should sell the Attachment of their Friends, Neighbours, and Dependants, for dry and sordid gain; and sell it to utter Strangers, of whose Qualities they can have no other Estimate than the Weight of their Purses; this does indeed appear to me to be a great Political Evil, and a great Public Grievance. It degrades

and debases the habits of the higher ranks of life, who confess their own sense of the nature of these transactions, by the concealment with which they seek to cover them: It taints also and contaminates the general Character of Parliament: and it furnishes the most formidable weapons to those who are professing, and I am willing to believe sincerely professing, to *reform*, but as I fear, are, in truth and in fact, by the tendency of their endeavours, labouring to *subvert* the entire System of our Parliamentary Representation.

With respect, Sir, to the next Question, whether these practices are any Parliamentary Offence. That it is a high Parliamentary Offence, every page of our History, Statutes, and Journals appears to me to bear evidence.

It is essential to the very idea of Elections that they should be free. *(a)* Such is the antient language of the Statute of Westminster in the reign of Edward the First, speaking of Elections in general *(b)*: such also is the modern language of the Bill of Rights, with reference specifically to the Election of Members to serve in Parliament; *(c)* and we have a memorable instance in the year immediately following the Revolution of the sense in which this fundamental principle was understood, in the case of the Cinque Ports; for by a Statute in the Second of William and Mary, it is not enacted only, but declared, that for the Lord Warden to nominate or recommend any Member to serve in any Port or Place within his jurisdiction, was a violation of the Freedom of Parliaments, and contrary to the Antient Laws and Constitution of the Realm. *(d)*

In the description of these Offences, which constitute a Violation of our Privileges, there is nothing technically narrow, but the Rule is to be tried by its substantial Effects. Force, Fraud, Corrupt practices and undue influence of any sort, by which the freedom of Elections is controlled, have been reprobated in all ages.

These Offences, if pursued as matter of personal delinquency, were antiently triable before the Committee of Privileges; if they touched the Seat, they were cognizable in the Committee of Elections. At a later period, [Anno 1592] when these Committees were united, all such offences were of course tried indiscriminately before this joint jurisdiction. And so things continued until happily the functions of the Committee of Elections were transferred by the Grenville Act to a better Tribunal. But the general conservation and vindication of our Rights and Privileges, except so far as divested by special Statute, still resides, as we all know, in the House at large, and its Committee of Privileges.

Whoever therefore looks into the proceedings of all these several jurisdictions according to their different periods, will find abundant traces of the inquiries which have been instituted, and the censures which have followed upon offences of all these descriptions. And from the period of the Revolution, we may see them exemplified in the prosecutions conducted by sir Edward Seymour against the Directors of the New East India Company in the reign of King William; in the Reports of the Secret Committee upon the last ten years of Sir Robert Walpole's administration during the last reign; in the charge brought against Lord North upon the Milbourn Port Election, and the general character of these Offences is evidenced by all the language of similar proceedings, in our own time.

But, Sir, beyond this:—Practices of this description are not only offences by the Law of Parliament, they have been long since adjudged to be criminal by the Common Law of the Realm.

The Bribery of Votes was adjudged by the Court of King's Bench, in the early part of the present Reign, to have been a Common Law Offence, *(e)* even though no precedents could be adduced to show it, and to have been punishable as such long before its encreased prevalence made Parliament deem it necessary to restrain it by special Statutes *(f)*. And in like manner any previous agreement or compact to control the Votes of Electors (even although the Electors are not themselves bribed) has been adjudged to be illegal upon general grounds of policy and jurisprudence.——Such was the Case which arose in the Burgh of Stirling in the year 1773, *(g)* where some of the Town Council had entered into a corrupt Agreement to divide the Profits of the Burgh, and

(a) 2 Doug. p. 402.
(b) 3 Edw. I. c. 5.
(c) 1 W. & M. Sess. 2. c. 2.
(d) 2 W. & M. Sess. 1. c. 7.
(e) K. v. Pitt & Mead, Burr. Blackstone.
(f) 7 W. III. 2 Guest.
(g) 2 Doug. p. 412. Wright's Law of Elections.

what they were also pleased to call the Parliamentary Profits, and to bring no person into the Magistracy but such as should vote with them upon all Parliamentary Elections; under this Agreement, Elections were had and passed unanimously. But when this Agreement was discovered and questioned, although it was manifest that the other Electors were neither party nor privy to the Agreement, nor had profited thereby, the Court of Session not only declared the Agreement itself to be illegal, unwarrantable, and *contra bonos mores*, but also that by reason of the undue influence under which such Elections were had, all those Elections were void and null. This Judgment afterwards came by Appeal to the House of Lords, and was there, in November 1775, affirmed.—At a later date, another question of this sort came before an Election Committee under the Grenville Act, from the county of Berwick, in 1781. *(h)* The Petition there stated that two of the Candidates had by themselves, and friends, combined to control the Election, by chusing first one of those two Candidates, who should sit for a certain number of years or sessions, and then that the other should be elected to succeed him. The Election Committee before whom that Case was tried and proved, reported the Agreement to be corrupt and illegal, and voided the Election.

What, therefore, it remains for us to do is plain. And as our Ancestors, when they found the censures of Parliament, and the decisions of the Common Law, were insufficient to restrain the growing practice of Bribery to Voters, proceeded to superadd the cumulative penalties of the Statute Law; so also it is for us, who have before us such flagrant proofs that the traffic in Seats has broken through the existing checks, to put it down by a new Prohibitory Law.

And now, Sir, we are brought to the last consideration—whether we can by any safe and practicable Remedy suppress the mischief: And of this I have no doubt, if with sincerity and diligence we apply ourselves to the task.

According to my views of this subject, the Committee will perceive, that I must naturally desire in the first place that our Law should be in itself declaratory; lest we should impair the principle which we are endeavouring to strengthen. The definition or description of the offence should also be marked with such a degree of precision that we may not include in it things or consequences beyond our own intentions. And the prohibitory provisions should be such as are most analogous to the rest of our Election Laws upon corresponding cases.

Of course, the honourable Member who has brought in the present Bill will not be surprized that I should think he has fallen short of the true point, in not making it declaratory. As to the main part of his enactments, he will also be prepared for my dissenting from the use of such lax and wide modes of expression as he has employed; a defect into which it is no peculiar reproach for him to have fallen, as our modern forms of legislation have too much involved all our provisions in language so cumbrous that it is generally difficult to discover their sense and substance, through the multitude of words with which they are overcharged. But beyond this, it is quite impossible for me to consent to that part of his proposed enactment which makes the tenure of Seats in this House dependent upon Judgments to be obtained in the Courts below, or in any way puts the trial of our own Rights out of our own accustomed jurisdiction.

With regard to the Oath proposed by the hon. gentleman, it is such in its present form as I should entirely object to. I do not know that a proper Oath for a proper purpose is in itself an exceptionable provision by law. Nor do I think that for solemnity or importance, so long as any Oaths are used in Election Laws, that any occasion for it could be more suitable; agreeing as I do very much with sir William Blackstone in opinion, that the Oath, if administered to the elected, would be far more effectual than when given to the elector. Nevertheless, knowing that to many persons any form of Oath whatever upon this subject would be highly obnoxious, and not thinking it indispensably necessary to the efficacy of the Bill, I should not be disposed to insist upon it.

What I should require would be, that the party who purchased should not reap the profit of his bargain, but should fall under the same disability as that enacted by the Act of Wm. the Third, which I think would be improved also, if it excluded him not for that vacancy alone, but for the whole Parliament. The party who received the price of his venality should

(h) Com. Jour. vol. 38.

also of course forfeit it, with any further penalty which it might be thought right to superadd.

And, beyond this, I would think it a proper course to declare it by positive law, what is implied by the judgments which I have already cited—that by such traffic each party becomes guilty of a Misdemeanor.

Upon the whole, Sir, that for which I am most anxious is the establishment of the principle; being firmly persuaded that honourable minds, which may have hitherto deviated from what I think was the straight path of their duty, or may have been made to vacillate by the practices which they saw prevailing around them with impunity—will shrink from them with abhorrence, when they find them condemned by a specific law: And other men, if actuated by motives less honourable, will be restrained by fears not less efficacious.

I shall therefore listen with satisfaction to any amendment that goes this length, accompanied by such brief and distinct provisions as may give a reasonable security that its execution will be accomplished.—And I shall be contented to lay aside for the present all questions of doubtful policy or difficult expressions; thinking it better to reserve them for future experience, and, if necessary, for future legislation.

I would presume also to recommend this course to the House, as the most prudent and most likely to contribute to the further progress of this Bill, and its ultimate passing into a law; on my own part most cordially and earnestly hoping for its success, as a measure which has now become indispensable to the honour of this House and of the Country.

The *Chancellor of the Exchequer* observed, that the alterations which he had been enabled to frame would go a great way to meet the ideas of his right hon. friend who had just sat down; and he concurred with him, that it would be equally wise and prudent to make not only an enacting but a declaratory law. He also concurred with him, that the person guilty of this offence ought at least to be deprived of his seat. It was not necessary, he thought, to state what the law was before. He would merely say on that head, that in his opinion the law was so doubtful, that in a court of law, if the point came forward in a civil suit, it would be declared to be unlawful; but if a person should be indicted for a misdemeanor, the law was not so very clear, but that the defendant would in all probability be acquitted. If the offence could be described in such a way as not to endanger the safety of the innocent, he should be ready to concur in the principle of the measure. But at the same time, the enactments ought to be well guarded, for he confessed that he had felt great difficulty lest the house should controul where it had no such intention; and he thought they ought rather to fall short in the first instance, than go too far. The object was to come at the case where there was a distinct sale of the seat. In this case, it would be proper to reach not only the individual who could influence the whole of the voters, but also the person who by a minor interest could effectually decide the election between two candidates. It would be still farther necessary to extend the provisions of the act to the person who received money for his influence, whether he was a voter or not, and to render a contract for the payment of money to any person for his influence a ground for vacating a seat. He perfectly concurred in the opinion, that he who also received the money ought to be liable to a forfeiture of the whole; to be punished for a misdemeanor; and he would further propose a penalty of 500*l.* to the informer. But he was rather disposed to stop short of what had been suggested by his right hon. friend, respecting the rendering this offence in the member a misdemeanor in a court of common law; for if such an offence was tried there, and a verdict of guilty pronounced, the house would consider the crime as proved, and proceed to expel the member; which would throw the question of the validity of a seat in that house upon a court of common law.—The same objection, the right hon. gent. admitted, applied to the bribery laws at the present moment; but it had so occurred, that since the passing of the act of the 2d of George II. the offence had never been brought to a court of common law, till previously exposed by a petition in that house. He thought also that certain limits of time as to the inability of the member should be established, and that the seat should be merely vacated in the first instance. He was not surprized that, at first, it should be intended that the bill should extend to the promise of offices. But the more he considered this the more it appeared utterly unsafe to go to this extent. Offices there must be: the business of the state could not go on without them.

The disposal of offices must rest somewhere, and here that power was vested in the crown. That this power must create influence was beyond all question; and every body agreed that it was proper that such influence should exist in the crown. The only objection that had been made was to the extent of it. But the effect of such a regulation as that which was proposed with respect to offices, would be, that none would either ask or receive an office without the risk of a conviction for a misdemeanor, however innocent. The only evidence which a jury would have to decide upon would be, that a member had procured an office for a friend who had voted for him at an election; and the probability in many such cases would be so great and the difficulty of proving the absence of all corrupt motives so considerable, that the most innocent men could hardly escape conviction. It might be said out of doors, that he urged these arguments for the purpose of preserving the free use of the patronage of his office. But he should not do justice to that office, nor to the house, unless he stated plainly his views on the subject, to whatever odium it might expose him. If he were to adopt the proposition, he would expose the consciences of all who were to succeed him to the greatest snare that could possibly be imagined.—Another object was, to guard against the possibility of conviction for the lawful expences of an election, such as the payment of agents, &c. Such expences did lawfully occur in the election for the largest counties particularly, and he instanced the last election for the county of York.—With regard to the Oath, the right hon. gent. had observed, that the difficulty of describing and qualifying the acts to which it was to refer with sufficient precision, rendered it wholly inadmissible. Suppose an oath had existed in the case of treating, one Committee might decide that a certain act came under the provisions of the treating law, while another decided in a manner directly the reverse. It would be impossible, in such cases, to ascertain what a member might safely swear, and what not. The hon. gent. (Mr. Curwen) proposed to bring the question of the seats before the law courts; and even with the proviso against conviction for legal expences, the court of law might hold that to be illegal which a committee would pronounce to be legal. It was, therefore, impossible to admit of the oath, without a degree of precision of which he did not at present conceive the case to be capable.—The right hon. gent. then proposed his amendment, that the member guilty of purchasing his seat for money should lose it; that the person receiving the money should forfeit the whole, be liable to a penalty of 500*l.* and to conviction for a misdemeanor; with the proviso that the act should not extend to the sale of estates to which influence was attached, not to legal expences at elections. This might not be altogether satisfactory to some gentlemen, but it was as much as the house could do, with safety, in the first instance.

Mr. *Curwen* congratulated the house upon the important information derived from the high authority (the Speaker), with whose sentiments they had been favoured upon this subject. With respect to the measure which he had thought it his duty to bring forward, as it was prepared in a hurry, he was willing to admit the probability that it was very inadequate to its object. He should, therefore, be ready to pay every possible attention to any amendment that might be suggested. No difference of opinion, he perceived, appeared to exist as to the necessity of a provision of this nature. So convinced, indeed, was he of that necessity, that if asked whether he would rather have the regulations proposed by the Chancellor of the Exchequer than nothing, he would promptly say, that however inefficient he considered those regulations, they should have his support. At the same time, he could not help observing, that he must consider any arrangement upon this business unequal to answer the end in view, if the oath were omitted. He did not mean to be tenacious of the particular form of oath which he had submitted, but he thought that such an oath should and could be framed, as would serve to guard against the evil complained of, and at the same time be free from the objections urged by the right hon. gent. The hon. gent. concluded, with protesting against the idea of supporting any proposition which could in any degree tend, as seemed to be the apprehension, to transfer to a court of law that jurisdiction over its own members, which ought alone to belong to that house.

Mr. *Ponsonby* was of opinion, that the effect of the Chancellor of the Exchequer's proposed succedaneum for his hon. friend's bill, would be to vest the patronage of the

boroughs almost entirely in the minister of the day, and therefore he should oppose it. The right hon. gent.'s conception of the oath proposed by the bill, appeared to him very extraordinary indeed. If the crime to which the law was meant to apply was intelligible, and nothing seemed more explicit, he could not see the difficulty of understanding the oath, or that any conscientious man could hesitate to take it. No man of common sense, indeed, could have any apology for hesitation upon the subject. He thought, however, that in order that the question should be fully considered, the bill should be re-committed, and that the regulations proposed by the right hon. gent. should stand beside the provisions of that bill, and be fairly compared with them. It was due to the character of the house, and the opinion of the public, particularly after recent transactions, that this business should be thoroughly investigated. The evil to which the bill referred was long known to prevail, and after that confession by the house, what was the country to think if it should go forth that no adequate remedy could be provided? After the confession was made, the house was bound to contrive some remedy. For could any thing more extraordinary be imagined, than that the solemn trust of legislation should be bought for money; that it should become a matter of bargain and sale, and that such a thing should be publicly declared to a free country, accompanied by an admission that the evil was incurable? This, however, he would not believe. What! the sale of seats in that house should be notorious, and that the scandalous interposition of the Treasury to purchase such seats should be equally notorious, and yet that no remedy was to be provided? It was impossible that the public could think the house sincere if it did not frame a measure calculated to put an end to those practices, not only on the part of the Treasury, but of individuals also, and that all members should be bound to swear at the table, that they did not owe their election to such practice; subjecting to the most ignominious penalty any man who violated that most sacred obligation.

Sir *John Anstruther* congratulated the house on the advance they had made in this necessary measure, and the excellent effects likely to ensue from the clear mode in which the law had this night been laid down from high authority (the Speaker). He expressed a strong wish that the right hon. gent. had also given them the advantage of his ideas on the manner of carrying the law into effect by this bill; particularly with respect to the Oath. He could see no difficulty in applying the Bill to the exclusion of patronage as well as of money, and had no objection to the clause of the Chancellor of the Exchequer with the addition of the words "office, place, or employment," as subjecting to the penalty.

Mr. *Tierney* considered this bill as of the utmost importance to establish the purity of election. But if no adequate provision could be made to guard against the undue influence of the Treasury at elections, the bill must be nugatory. The framing of such a provision he, however, did not think at all impossible. It did, indeed, appear a monstrous proposition, that the grant of any place or patronage for the purpose of improper influence at an election, could not possibly be provided against. If any such proposition could be bottomed upon sound sense, he would immediately call upon his hon. friend to abandon his bill. As to an action against any member who should violate the obligation proposed by the bill, he would ask, how could it be supposed less practicable to maintain such an action for any penalty than that already prescribed by law, against, for instance, any contractor who should become a member of that house? With regard to the oath, he thought it essential to the object of the bill; and he was also of opinion, that a clause should be introduced, subjecting to heavy penalties those who should dispose of patronage in any manner to contravene the spirit of such a measure. But his impression of the importance of the oath, as applying to such dark transactions, was such, that he would rather adopt the oath alone, than take all the Chancellor of the Exchequer's clauses without the oath.

Mr. *Rose* had no objection to any penalty or imprisonment that might be proposed, to provide against the evil to which the bill referred, but he must deprecate the oath, because he thought that conscientious men might feel it difficult to take an oath which was merely a construction of law. If corrupt practices could be distinctly defined, this objection would not apply. But really, as the matter stood, he did not see that the oath could in all cases be safely taken by those even who meant not to offend.

Mr. *C. W. Wynn* argued ably in favour of the bill, which, however, he conceived would be not only nugatory, but mis-

chievous, if it was not framed so as to apply to the patronage of office, as well as to the grant of money. After the incontrovertible evidence which had recently appeared, with regard to a traffic in patronage for the purpose of purchasing a seat in that house, the people must consider any measure of this nature as a mere mockery, if it did not provide against the recurrence of such scandalous practices. As to the objections offered against the adoption of the oath, he confessed that he could not feel their weight. He could not conceive any reason why men should not be prevented from giving as well as from receiving, bribes at an election. Indeed, he was convinced that such prevention ought to exist; the more particularly when he reflected upon the disgraceful advantage which had been taken of the law as it stood. He had, in fact, seen members of that house come forward in a court of law to prosecute under the bribery act, the very men who had accepted bribes from them; thus acting the part of informers, in order, as they avowed, to save themselves. What an exhibition for an intelligent and honest public to contemplate? But he hoped that this measure would be so contrived as to guard against the recurrance of such scenes.

Mr. *Hawkins Browne*, from all the arguments he had heard, considered it as very difficult to frame an Oath which would not imply an opinion on the construction of the law. He was therefore adverse to it, as tending only to exclude conscientious men from the house, in order to make room for the perjured, worthless, and abandoned. Dispensing with the oath, he would be happy to give his assent to any proposition that would rescue the house from the aspersions of corruption thrown upon it; but if the question of the oath was annexed to this bill it would compel him to vote against it.

The Right Hon. THE SPEAKER, thanked the committee for the flattering attention and deference that had been paid to his sentiments, and had now only to offer his opinion on the subject of the new clause which had not been introduced when he last addressed them. He had no hesitation in stating it distinctly as his opinion, that unless the Bill applied to the grant of offices in return for seats in parliament it would be mainly deficient. It appeared that under the title of "gift or reward," that application was included, and as the bill already covered the case, it would be much better to have the enactment distinctly made. The course the committee would now have to pursue would be, to receive the amendments proposed, and have them printed. It would then be a proper motion to decide that the bill with the amendments be recommitted.

The *Chancellor of the Exchequer* admitted the strength of the observations of his hon. friend, who had just sat down; but said at the same time, that the oath was so generally worded as to call for amendment. The oath by which any man was to be bound could not be worded in too special pleading a manner. This might seem an odd phrase, but his meaning was, that a man should thoroughly understand that to which he was to swear. He reminded gentlemen of that interchange of kindness that so generally took place between the electors and the elected, and which yet might, however honestly accepted and proffered, give rise to serious scruples in the breast of a man of honour in taking that oath.

Mr. *Ponsonby* submitted to the committee, that all those members who had amendments to propose should propose them, in order that they might be printed together with the bill, so as that the house would be better able to decide upon the respective merits of the amendments.

Mr. *C. H. Hutchinson* said, that he could not avoid taking that opportunity of expressing his personal acknowledgements to the right hon. the Speaker, for the manly, dignified, and constitutional part he had that night taken in the discussion upon the bill then before them. Anxious as he was that the house should stand well with the country, he must be glad to witness such conduct in any member, but peculiarly happy was he to see such conduct sanctioned by all that grave authority, that must have the effect of making it exemplary. He would return to his home from the house that night, with a prouder sense of his situation as a member of that house, than he had reason to indulge in for many nights back.

Mr. *W. Smith* was of opinion, that the objections to the oath seemed to be founded upon the supposition that the same practices which now existed would still continue to exist; but he rather thought that, should this bill take effect, its operation would be so salutary as to counteract those practices which it was thought would run counter to the oath.

After a short conversation between the

Speaker, Mr. Tierney, the Chancellor of the Exchequer, and Mr. Curwen, it was agreed that the Bill should, in the first instance, be printed, together with the Amendments, for the perusal of the members.—The house having then resumed, the report was brought up, and the further consideration was ordered to be gone into on Tuesday next.

HOUSE OF LORDS.

Friday, June 2.

[CRUELTY TO ANIMALS' BILL.]—The house having gone into a Committee on this Bill,

Lord *Erskine* said, he trusted he had now made those amendments to the bill, which would render it less objectionable in the opinion of those noble lords, who on a former day, had expressed their sentiments upon this intended measure. The preamble, "Whereas, it has pleased Almighty God," &c., he wished to continue in those words, which had presented themselves to his mind as the most appropriate to express its introduction. An imperfect obligation of duty was thereby enjoined, which, as he had before observed, coming sanctioned by the authority of their lordships, would not fail to have its due weight upon the people of this country. "No man," said his lordship, "more than myself can pay reverence to the name of God, nor is it used with any impropriety on this great and important occasion." The words which defined the acts of cruelty; he had so altered, as, in his mind they would meet with the approbation of those who very prudently were anxious that great caution should guard the operation of this act. In that part of the bill which was now confined to beasts of draught and burden, he had altered the words to "wound, cut, maim, and with wanton and malicious cruelty, should beat or abuse;" and he trusted the house would feel the propriety of inserting the word "abuse," coupled with the words preceeding; because, upon reflection, several acts of cruelty, requiring the interposition of such a statute, would not easily be comprehended under any other term. "I, one day," continued lord Erskine, "in going along Coventry-street, was struck with horror and disgust at the shocking scene of cruelty which presented itself to my observation. There was a cart, loaded with greens to a most unmerciful extent, drawn by one horse. The poor animal was in such a state that its skin alone covered its bones; and, what was more shocking upon nearer observation I perceived there was no cart-saddle to prevent the chain from cutting through the skin of the animal's back; and, upon still nearer inspection, I saw the blood and matter descending its side. Besides this, the fetlock-joint was dislocated, the skin broken, and, upon every exertion of this wretched creature, the bone was visible to the eye. My attention being peculiarly extended to the unhappy object's sufferings, I accosted the man who was driving the cart, upon his coming up to the place, and remonstrated with him about the misery of the horse's situation. I was answered with nothing but abuse; which generally is the fate of those who interpose their humanity on such an occasion, The man inquired if I would give him another? I offered him a guinea, provided he would part with the horse. "Why," says the man, "a guinea, Sir! I can work this horse three weeks longer, and after that I can sell him to the slaughter-house, and thereby make four or five pounds." I wish that your lordships would attribute to my conduct no more than the discharge of my duty; the act I performed, was, to my mind, unavoidable; I followed the man and purchased the beast! But this mode of relief cannot always be applied to the sufferings of animals, which meet our eye almost every day, and in almost every street of this metroplis. It is also in cases like that to which I have alluded, the word "abuse" will most aptly apply; and, when preceded by the other words I have adverted to, there can be no danger of the operation. Sorry should I be if any injury could possibly arise from this penal statute, and it is my anxious wish that every precaution should be adopted which may prevent any hazard of the liberty of the subject."—His lordship then stated, that there was another clause by itself, and by way of amendment, which he had framed for the better prevention of cruelty to other cattle, while proceeding to a fair or market, by means of cutting, maiming, and houghing. The house would be astonished if they knew all the cases which had been described to him by letters from magistrates, who particularly desired clauses to be inserted for the prevention of each particular case. He then observed, "During the thirty years of my parliamentary life, I never introduced any al-

teration in the law, or any new act of parliament. I possess no ostentation in coupling a statute with my own name; and, on the present occasion, your lordships will, I trust, give me credit for being actuated by the purest of motives (Hear! hear!). I have no desire that the measure in contemplation should be considered as orignating from myself. I would rather the people of this country should consider it as proceeding from the unanimous concurrence of your lordships, whose authority will give due weight to its operation. On this account, I feel desirous, so to alter and amend the bill, that it may meet the unanimous approbation of this house, and be less likely to incur any objection in another place. After all, if this legislative measure should be attended with any injurious consequences, now unforeseen, I pledge my honour, that I will be one of the first to propose such alterations as shall prevent their recurrence.—There is one point more to which I beg your lordships' attention; although my lords, I have seen with regret the growing evil of cruelty to animals in this land, and have thought it expedient to introduce the bill before you; yet, my lords, in this land, in which our lots are cast to live, there is more honour, there is more humanity, there is a stronger sense of moral duty, than in any other country on the face of the globe. I am proud to say so, and that I live in such a country. And I rejoice I can say, still more, there never were times when more goodness of the people existed, than in the present. There never was more purity in the mind of man, than in this country, and in these times. I do not mean in a certain month or year; but there is a progression of good qualities, up to the times in which we live, and which have emanated from religious institutions, founded upon the enlightened system of Christianity; the beneficence and mildness of which I have always admired; and, consistently with the principles of which, I have framed this bill.

Earl *Darnley* said a few words, expressing his most cordial support of the bill, and that he had on a former day only wished due caution might be used in framing it, so that it should not be injurious in its operation.

The Bill, as amended, passed through the committee, and was ordered to be printed with the amendments.

[LICENCES UNDER THE TOLERATION ACT.] Lord Viscount *Sidmouth* rose to move for an Account of the Number of Licences issued within a certain period, under the act of 1 W. & M. c. 18. commonly called the Toleration Act, and of the 19 G. 3. c. 44, entitled, "An Act for the further relief of Protestant Dissenting Ministers and Schoolmasters." It appeared, he said, to be highly desirable and important, that the information which it was the object of his motion to procure, should be possessed by parliament and the public. He had no reason to doubt, that a large majority of those, who had obtained licences under these Acts, had applied for them from motives the most strictly conscientious: as little could he doubt, that the wise and liberal policy, by which these acts were dictated, had, in numerous instances, been grossly abused. That such was the fact was well known to magistrates, who were in the habit of attending quarter sessions of the peace in the several counties of England and Wales.—Under these acts, it was competent to any person calling himself a protestant dissenter, of whatever age, or condition, however ignorant, however exceptionable in conduct, and character, by taking the oaths, and making the declarations thereby required, to qualify himself, as it was termed, to present any doctrines he pleased, and thus to obtain an exemption from all parochial offices, and from serving on juries, or in the militia. Thus was a strong incentive afforded to schism, and in proportion to its success, an increased buthen thrown upon the members of the established church. He desired, however, to be understood as applying his complaint on this point solely to immunities claimant by self-appointed preachers and teachers, not attached to any dissenting congregations; or by those who, being in the ministry, were also engaged in secular occupations and callings. Persons duly appointed and devoting themselves to the performance of their spiritual duties, ought in his opinion, to enjoy the same immunities as those who had received episcopal ordination.—As to the description of persons, to whom licences ought to be granted (for they were now claimable as of right,) it was a point of extreme delicacy, and importance, concerning which he should be averse to any regulations, but such as all sober minded, and rational dissenters must approve. He could not however, but presume that every individual of that description must be desirous that the doctrines, which he believed

should not be publicly preached by persons wholly destitute of ordinary attainments; by persons not arrived at that period of life, previous to which Deacon's orders could not be conferred, or of whose moral characters and conduct satisfactory attestations had not been adduced. It was also highly desireable, (and surely it would not be deemed unreasonable, or improper to require,) that persons claiming Licences to preach should state, if not the grounds of their dissent, the denomination, at least, of Dissenters to which they professed to belong; that they should be recommended by the religious society of which they were members; that they should be attached to a known and distinct place of public worship; and that they should not be at liberty to officiate habitually elsewhere without a fresh Licence.—Whether these or any other regulations should be adopted, it would be for the wisdom of their lordships, and of the other house of parliament, to determine: but it appeared to be due to that profession of faith, concerning the fundamental doctrines of which we were all agreed, that no subordinate differences of opinion should allow us to be regardless of the qualifications and characters of those by whom religious instruction was to be conveyed. With respect to the tenets of the various sects of Dissenters, we had, indeed, no right to interfere: but to endeavour that, be they what they may, they should not be preached and taught by the grossly ignorant and the profligate, was surely no infringement on the sound principles of an enlightened toleration. That the number of persons who frequent meeting houses, and conventicles had, within the last few years, considerably increased, could not be denied: but it was not to be supposed that the number of dissenters had increased in the same proportion. He believed the fact to be, that the awful occurrences of the last twenty years had created a more general sense of the truths, and importance of religion than was previously entertained; and that whilst these impressions were spreading, and the population of the country rapidly increasing, the number of places of worship under the established church, of clergymen engaged in the performance of parochial duties, remained nearly the same. Many persons were therefore induced to prefer an attendance in conventicles, and meeting houses, to a neglect of public worship altogether. By an Address to his majesty with a view to the improvement of small Benefices, to which their lordship's had unanimously agreed on the preceeding day, a step had been taken, which amongst its other advantages tended to obviate one of the causes of apparent separation from the church; inasmuch as the inducement to unite many small livings for the purpose of affording a decent subsistence, would be weakened, as the actual value of each was materially improved; and thus whilst the number of pluralists was diminished, that of the resident efficient clergy would be increased. But the great and most effectual check to the progress of Schism, as proceeding from the causes to which he had adverted, must be derived from an augmentation of the number of churches properly endowed, to which all persons should have access. Proprietary chapels would in no degree answer the purpose, unless it were enacted, as he thought it ought to be, by the authority of parliament, that for a certain proportion of the Area of places of public worship to be consecrated in future, no pew rent should be taken. He was however of opinion that the charge of providing additional places of worship, where an increased population appeared to require them, ought in part to be defrayed by local contributions, and not be thrown exclusively on the public. To these objects, he trusted that the attention of government, and of parliament would be speedily and earnestly directed: it was a duty of primary, indispensable, and urgent importance; the performance of which could not but be intimately connected with our welfare, and even with the stability of our existence as a nation; for whatever might be our apparent prosperity, however extensive, lofty, and splendid the edifice of our power, it would be insecure, and transitory, unless founded on the basis of an established religion, firmly and zealously upheld and protected by the supreme authority of the state. Whether, if his motion should be agreed to, he should submit any measure to their lordships in the ensuing session, was matter of future consideration. It would be far more satisfactory to him to see this subject in other, and abler hands. He had however discharged what he thought a duty in endeavouring to draw their attention to it, and from the manner in which they had been pleased to receive what he had said, he was willing to hope that in that respect he had not been disappointed.—His lordship then

moved, "That, there be laid before this house an account of the number of Licences issued in each year at the general quarter sessions of the peace, in the several counties of England and Wales, and at the Registry in each diocese, from the commencement of the year 1780 to the end of the year 1808 under the Act 1 W. and M. commonly called the Toleration Act, and the 19 G. 3. c. 44, entitled an Act for the further Relief of Protestant Dissenting Ministers, and Schoolmasters."

Lord *Harrowby* thought that it was not by any restrictive measure that any great and desirable object could be accomplished. He particularly recommended to their lordships' consideration the small number of churches of the established worship compared to what was required. The people were desirous of procuring religious instruction; and if they could not find it in the establishment, they were obliged to seek it elsewhere, in very many cases, while they would more readily receive it from the church of England. With this fact he was certain many of their lordships must be well acquainted. Give the church its fair and just opportunities, and he had not the slightest reason to imagine any danger to the establishment. The general superiority of education, the justly acquired influence, and the moral habits of the established clergy would, he was convinced, in that case, ensure those moral and religious advantages, that were so much desired by all who had at heart the welfare and happiness of the community at large. His lordship would propose an Amendment which would shew the progressive increase of Dissenters, or persons preaching and teaching, not being of the established church, more fully by going back towards the commencement of his majesty's reign. He therefore moved the yearly returns should commence from the year 1760 instead of 1780.

The Archbishop of *Canterbury* said, that the fact of the great increase of sectaries and dissenters from the established church of England, was one which was so clear that no man could doubt it. His grace supported the motion and the amendment, and expressed his approbation of the measure proposed on the evening preceding. The fact was, that our population had, particularly in some large towns, far exceeded the machinery by which the beneficial effects of our church establishment could be universally communicated. He did not wish to interfere in the smallest degree with the wise and just system of toleration, and though he lamented the present deficiency of means on the part of the establishment, he was not friendly to measures of restriction; so far from that, under the present circumstances, he should be sorry to see any such measures resorted to. But he trusted their lordships would consider the real state and number of the parochial places of worship in the country under the establishment. His grace begged, however, to state, that with respect to the Licences alluded to, the bishops had no power whatever.

Earl *Grosvenor* concurred in most of what had fallen from the preceding speakers. His lordship thought the matter of the highest consequence. He held in his hand a printed letter to the late archbishop of Canterbury, calling upon his grace's interference; and stating, out of not a large number of persons receiving Licences, that seven or eight of them spelt the word "Gospel" differently; and as many others made their mark, instead of signing their names, on paying their shilling for a licence under the Toleration Act.

The *Lord Chancellor* expressed his desire to see every thing done that could be done in favour of the established church, and hoped that something might be done to prevent those abuses that were practised on the Toleration Act, by which men who never intended to preach or teach took advantage of that liberal enactment, to avoid that civil or military service which no conscientious or religious person would take such means to avoid.

The motion was then put and carried, *nem dis.*

HOUSE OF COMMONS.

Friday, June 2.

[JUDGES' SALARIES BILL.] The report was brought up from the Committee, to whom was referred a consideration of the expediency of increasing the Salaries of the Judges, and the resolutions agreed to.

Mr. *Whitbread* said it was not his wish to oppose the increase of salary intended to the judges; but he gave notice that he should, in the progress of the bill, take the liberty of suggesting to the house some propositions on the subject, and particularly for preventing the sale of the office of clerk of assize, and also for preventing the Welsh Judges from holding other places of profit under the crown, and from occupying seats in parliament, both of which

he considered as incompatible with the independent and impartial administration of justice, as well as with the principle upon which the judges of England held their appointments. There was another point to which also he should take occasion to advert; namely, the great grievance under which the remote parts of the kingdom, and particularly the county of York, laboured under from the delay of justice, as being only visited by the judges of assize once in a year, and that only for a week; a circumstance extremely oppressive, not only to suitors in that great county, but to all persons there awaiting the course of justice, civil or criminal.

The *Chancellor of the Exchequer* said, that the judges, on going a circuit, certainly allotted by anticipation the time they should remain at the different towns on their respective circuits, according to their calculation of the time the business to be done at each would probably occupy; sometimes certainly the business occupied more time than they expected, and, rendered it impracticable to accomplish the whole, consistently with their arrangements made for other places; this, however, seldom happened; and where it was conceived the business would occupy more than the ordinary time, two judges went to York instead of one, whereby double the business was disposed of within the same period. It would be for the wisdom of parliament to make such arrangements on this head as might seem necessary hereafter; but he hoped the house would not clog the present bill by such regulations.

Mr. *Bankes* coincided in the necessity of rendering all the judges equally independent of the crown with those of England, and therefore agreed in the propriety of precluding them from seats in parliament, as well as from other lucrative offices under the crown, in order that they might not only be removed from the influence of the crown in that house, but even from the suspicion of it; and he thought that a clause for this purpose, as well as for preventing the sale of the office of clerk of assize, ought to be inserted in the bill.

Mr. *I. H. Browne* deprecated the idea of precluding the Welch judges from seats in that house, under any idea of their dependence on the crown, their places being for life. By such an exclusion, the house would be deprived of a valuable portion of talents: and he begged leave to instance the speech of one of those judges upon a late important occasion (that of Mr. Burton, in the case of the duke of York) as one of the most lucid and eloquent ever uttered within the walls of parliament.

Leave was given to bring in a Bill pursuant to the Resolutions.

[GAS LIGHT BILL.] Mr. *Mellish* moved the third reading of the Gas Light bill, but at the same time prayed the indulgence of the house in allowing him to propose five new clauses; and that the house would take the debate upon the question that the bill do pass. He read the clauses in his place.

Sir *J. Anstruther* saw no necessity in the present case to depart from the usual mode of proceeding; and hoped the house would not encourage a custom which had prevailed of late; namely, that of keeping back the principal clauses of private bills until the very last stage, and then proposing them by surprize upon the house.

Mr. *D. Giddy* delared himself decidedly averse to this bill; first, upon the general principle of granting chartered monopolies to any great body of men, to the preclusion of all competition. He would admit there might be some exceptions, in cases where great advantages to the public must manifestly arise, and where the fortunes of a few individuals must be inadequate to the accomplishment; in the case for instance of a great aqueduct, for the supply of a city, such as the New River, or of a canal, as the West India Docks, or such great undertaking, where the public advantage was clear, and the profits within some calculation. But upon such an undertaking as the present, where, however ingenious the plan, the practicability was problematical, and no estimation produced to prove it capable of adoption to any thing like the extent proposed, he was against the sanction of parliament being given to the measure, for the purpose of procuring immense subscriptions to an undertaking, which, on the face of the plan, seemed unmanageable by any act of directors; for it appeared that in the parish of St. James's alone, six different establishments would be required to furnish the light, and that the expence of lighting by Gas would cost 550*l.* a year more than by oil. What, then, must the number of establishments be for all London, and where was the advantage to the public, supposing the plan practicable? It might turn out ultimately a second South Sea bubble. He could not at all events, agree to autho-

rize the company to receive subscriptions to an amount which would enable them to monopolize oil, coal, and the other materials which afforded the public an alternative, in order to drive them into the adoption of this scheme, the failure of which would entail disgrace upon the nation. He concluded by moving, that the bill, instead of now, be read the third time this day three months.

The bill was also opposed by sir James Hill, Mr. Thompson, of Hull, Mr. Hall, and Mr. Babington.

Mr. *Wilberforce* opposed the bill. It was not necessary, he observed, to resort to charters to procure capital. He would not encourage these gambling projects, by which men were to be princes or beggars, in a moment. He could not avoid directing the attention of the house to the extravagant expectations that were held out in a pamphlet recommending this plan. Among other impudent impositions, it was endeavoured to be shewn, that it would produce, in the course of a short time, no less than 10,201,741*l.* 13*s.* 2*d.* in the way of taxes. In the same statement, the annual profits, after a certain period, were calculated at two-hundred and ninety-nine millions. He considered it as one of the greatest bubbles that had ever been imposed on public credulity. He could compare it to nothing so well as the Ayr Bank, the loss by which was immense to the public, and had involved in difficulties, for years, most of the great landed proprietors of Scotland.

The house having divided, the amendment was carried by a majority of 52 to 38. The bill was consequently lost.

[IRISH DISTILLERS' REGULATION BILL.] The house then went into a Committee on the above bill.

Mr. *Parnell* objected to the nature of the punishment inflicted by the bill upon such persons as were concerned in unlicensed stills. For the first offence, corporal punishment was inflicted; for the second, transportation. He did not approve of such severity, especially as the system now acted on was so defective as to give encouragement to the offence. He would therefore move, That the clause inflicting such punishment should be omitted.

Mr. *Bernard* disapproved of the entire system of laws that regulated the distilleries in Ireland. He was strengthened in his opinion, not only by the Irish commissioners of inquiry, but by a trial of the present system for many years. He contended, that at no period were the illicit distilleries carried on to a greater extent than the last two years, which must alone be attributed to the present regulations. Though the right hon. gent. (Mr. Foster) would not at present agree to a change in the system, he was happy to hear him say even so much as that next session he would meet an inquiry on the subject. He (Mr. Bernard) pledged himself to bring it forward at an early period, and hoped to convince the house that a change of the system would be of considerable advantage to both countries, by encouraging agriculture, and increasing the revenue.

Mr. *H. Martin* said, that he had never yet heard of corporal punishment being inflicted for a fiscal offence; such a punishment, in such a case, was unknown to the constitution. Besides, the nature of the corporal punishment was not ascertained; whether it was to be flogging or hanging they did not know. Great care, he admitted, should be taken of the revenue; but not by subverting the principles of the British constitution.

[THIRD REPORT OF THE FINANCE COMMITTEE.]—The House having resolved itself into a Committee to consider of the Third Report of the Finance Committee,

Mr. *Martin* rose and observed, that it was his anxious wish to impress upon the committee the propriety of attending to the principles of economy in every department of the public expenditure. The necessity, indeed, of such attention must he thought be obvious to every man who took the trouble of looking into the subject, and felt any solicitude for the interests of the country. The amount of our annual expenditure, and of our national debt, was enormous, while the declining produce of our revenue was notorious. According to the papers on the table, the produce of our permanent taxes was only 30,190,178*l.* which, compared with the interests of our debt 31,350,000*l.* left a deficit of above one million. How then, in the event of peace was this deficit to be supplied and our establishment to be defrayed, without permanently pledging the war taxes? If peace were to be concluded to-morrow, it would be impossible to make such a reduction in our establishment as to place us in any thing like the situation in which we stood before, either with regard to expence or revenue. The consequence would be, that they

would be compelled to have recourse to the Income and other war taxes, and reduced to the absolute necessity of making them a perpetual burthen upon the country. The continuance of the War-taxes in the event of peace, was a thing scarcely to be endured, even in idea; and yet he really was at a loss to divine to what other fund the country was to look for support in supplying the deficiencies of a declining revenue. He begged the committee to consider this point, upon which he was induced to dwell, with a view to urge more strongly the necessity of paying the utmost possible attention to every thing connected with economy. It was quite clear that every practicable arrangement should be made for that purpose, and with that impression upon his mind, he regretted much to observe that such a tardy disposition to promote the objects recommended by the Committee of Finance should have been manifested by those, who had the power of giving effect to the recommendations of that Committee. He had therefore felt it his duty to bring this business forward. Since he had given notice of it the right hon the Chancellor of the Exchequer had thought proper to propose a set of Resolutions in lieu of those which he had the honour of submitting to the house. Being anxious only for the object which his Resolutions had in view, he was not of course tenacious of terms or forms, and therefore he would interweave with his first Resolution, upon proposing which the discussion might arise, some of the words suggested by the Chancellor of the Exchequer. Upon the adoption of these words he was the more determined, because in reviewing his own Resolution, he saw that it contained rather a sort of apology, for calling the attention of the house to a consideration of the principles of economy, than a direct assertion of the expediency of economising the public Expenditure in every possible case. The hon. member then proposed his first Resolution, which declared in substance, that it was peculiarly necessary in the present circumstances of the country, to attend closely to the principles of economy, and to make every practicable arrangement for the purpose of limiting the public expenditure.

This Resolution being put from the Chair,

Mr. *Huskisson* rose, to correct some mis-statements with respect to the finances of the country into which the hon. gent. had fallen. He had stated that the amount of the Permanent Taxes was not equal to the discharge of the interest of the public debt. This was not the case. On the contrary, last year they had voted a surplus of between four and five million, out of the Consolidated Fund, independant of the other heavy charges to which that fund was liable.—The committee must recollect, that there had been voted for the year the sum of 3,500,000*l.* as the surplus of the Consolidated Fund, together with 800,000*l.* which remained unappropriated from the produce of that fund in the preceding year. Of course, it was quite a mistaken idea, that the permanent taxes were insufficient to defray the interest of the public debt. The hon. gent. had fallen into this mistake from his confounding the produce of the Permanent Taxes, and the Consolidated Funds.—The difference between the permanent charges, and the produce of the permanent taxes, was what was usually voted as the surplus of the consolidated fund, being an excess of produce above the charges. He need not, therefore, inform the Committee, that not only the interest of the public debt, and other permanent charges were defrayed out of the permanent taxes, but many other items of expenditure connected with the various branches of the public service were charged upon the surplus of the consolidated fund. The permanent public charge was thirty-three millions. The supply to defray that charge amounted to thirty-seven millions. This statement could admit of no dispute, as it was proved by the returns on their table, and therefore it was impossible for the hon. gent. to say that the permanent taxes fell short of the annual expenditure. He did not deny that the produce of the revenue this year fell short of that of last year by about 300,000*l.* but this was owing to the peculiar circumstances of the war; some falling, too, was to be expected this year, when compared with a year of great abundance, and could not possibly be such a cause of despondency as the hon. gent.'s statements went to make it. Mr. Huskisson then went into a detail of his financial operations of last year in mortgaging one million of the duties on malt and sugar to pay off Exchequer bills; instead of allowing it to go as usual to the consolidated fund. By this means there was an apparent defalcation in the present year to that amount, which did not exist in reality, as would be found in the re-

ceipt of the revenue for the year 1810. With regard to the Convoy duty, that must necessarily cease on the re-establishment of peace; but it did not follow that a considerable part of what was now raised under the head of Convoy duty might not then be continued under the denomination of Customs. There was no reason, then, for the despondency manifested by the hon. gentlemen, but this he did not state in opposition to the proposition that economy was desirable; while the burdens continued to be so great as they were, in his opinion, the house required no other incitement to alleviate them by every means in their power.

Mr. *Martin*, in explanation, stated, that he quoted from the returns laid before the house as to the funds to be relied upon in the event of peace. There was at least one part of the war taxes, namely, the Convoy duty, which must inevitably cease.

Lord *Folkestone* considered that a fallacy had run through the whole of the statement made by the hon. gent. (Mr. Huskisson) as in his calculations he had not stated the produce of new taxes laid on in 1808 to the amount of 1,700,000*l.* The noble lord was going on to point out this supposed inaccuracy, when

Mr. *Huskisson* rose and corrected his misconception of the matter. He shewed, that what the noble lord intended to consider as new taxes, were only a new arrangement of the assessed taxes already in existence.

Mr. *Tierney* said, he did not expect the debate would have taken the turn which it appeared to have done. He thought, however, his hon. friend who brought forward these Resolutions, had acted very right in drawing the attention of the house to economy. As, however, the hon. gent. who had just sat down had gone into figures on the occasion, he would beg leave to state a few similar facts from a paper he happened accidentally to have in his pocket, but which he never had an idea till that moment of mentioning on the present occasion. He calculated that, upon the arrival of peace, if it were to take place to-morrow, the amount of the public expenditure for the support of the army, navy, and miscellaneous charges, would, at least, be equal to 48 millions, to which add the interest upon exchequer bills, which would make it exceed 49 millions, and he would ask, how was this sum to be provided? The whole of the revenue, applicable to a peace establishment, he estimated at about 38,500,000*l.*, and the deficit must, of course, be supplied either by new taxes, or by loans. According to his estimate the deficit would exceed 11 millions, but even according to the statement of his hon. friend, it would amount to more than 8 millions. This deficit would be to be met either by continuing the war taxes, or by a loan, or by raising new taxes; unless recourse were had to the Property Tax. Even suppose the other war taxes to be made perpetual, there must be a deficit of many millions, which must, if peace were to take place to-morrow, be provided for; and we must either make the property-tax perpetual, to the amount of five per cent. on income, or else have recourse to a loan. This statement he made with a view to demonstrate the propriety of attending to the principle of his hon. friend's Resolution.

Lord *Milton* thought that the discussion was taking a turn entirely foreign from the subject of the Third Report upon Offices, and therefore suggested the propriety of proceeding to the matter in question. There would be no end to the debate, were the finances of the country to be made the subject, when the question was simply as to the necessity of economy.

The *Chancellor of the Exchequer* coincided in opinion with the noble lord, yet thought it but fair to say that his hon. friend (Mr. Huskisson) had not introduced the subject originally, but had only risen to correct the misstatements which had been made on the other side. As the hon. gent. (Mr. Martin) had declared his preference for his (Mr. Perceval's) first Resolution in opposition to his own, he could wish that instead of putting the committee to the necessity of previously negativing that Resolution, he would withdraw it, and suffer the other to be put in its stead. With respect to what the hon. gent. had said about comparing and contrasting the two strings of Resolutions *seriatim*, he could scarcely suppose that necessary, as his Resolutions were merely a new arrangement of those of the hon. gent.

Mr. *Martin* withdrew his first Resolution, and that proposed by the Chancellor of the Exchequer was put from the chair and agreed to. The following was the Resolution: "That the utmost attention to economy in all the branches of Public Expenditure which is consistent with the interests of the Public Service, is at all times the duty of this House."

Mr. *Rose* requested the attention of the

committee to some observations he had to submit to their consideration. Great pains, he said, had lately been taken out of doors to make it be believed that no attention had hitherto been paid to the retrenchment of the expenditure of the public money. He begged, however, to shew that the contrary was the case.

OFFICES SUPPRESSED SINCE 1782.

1782—Under Mr. Burke's Bill.—
(22d Geo. 3. ch. 82.)

	No.	Ann. Value.
Above 500*l.* a year, -	37	£.43,600
Under 500*l.* a year, -	97	13,900
	134	£ 57,500

Under Treasury Regulations in 1782-3.

Above 500*l.* a year, -	3	2,156
Under 500*l.* a year,	141	11,469
	144	13,625

Making a Total of	278 Offices.	£.71,125	In Annual Value
Offices created to perform the duties of those suppressed, ...	62	10,909	
Reduction in the whole	Offices 216.	£.60,216	

1783—Under the Exchequer Regulating Act.
(23 G. 3. c. 82.)

Offices suppressed	4	£.6,000
And six regulated		(*a*) 60,000
Savings under this Act on an average of Peace and War may be		66,000
Making total Offices 220		£.126,000

Ann. Value

1785—Under the Auditor's Act.
(25 G. 3. ch. 52)

Two Offices suppressed (*b*)		44,000
Expence of New Board		11,500
		32,741
One Auditor of Hides in the Excise.....400	400	
Total saving by the three Offices		33,141

Annal Value.

(*a*) The Auditor of the Exchequer, nett profit in 1782 was 19,880*l.* a year; the Tellers present profits are three times the amount of that year. The Auditors fees would therefore have been now £60,000
The four Tellers full fees would now have been 88,000
£148,000
Deduct Auditor's present Salary £4,000
Four Tellers, when they all fall in 10,800 } 14,800
Saving in time of war £133,200

(*b*) This is very much under stated, the amount at 100*l.* a million on the National Debt only would have been 60,000*l.* a year.

The number of employments was not affected by these measures, as three new Commissioners for Auditing were appointed in addition to the two Comptrollers of Army Accounts.

	No.	Ann. Value
In 1785—Were suppressed as they should fall in, Patent Offices in the Customs, which were actual sinecures, and usually given to private friends, not being considered as local patronage	196	£.42,000
The offices were not abolished by Law till 1798, by the 38 Geo. 3, ch. 86, but no appointments were made to them (except in two special cases) from 1781; and so early as 1791 there had 38 fallen in of the annual value of 10,600*l.* a year.		
In 1788—An arrangement was made by the Treasury which reduced the Officers of the Excise in their number	765	... 12,347
which saving was effected in the amount of salaries, although additions were made to those of the remaining officers to put them above temptation.		
In 1799—The Offices of Auditors of the Land Revenue in England and Wales were abolished by Act 39 Geo. 3, ch. 83, after the deaths of the possessors.....	3	... 5,500
In 1799—The whole Salt Board and department abolished, and the duty transferred to the Excise; the total reduction, in consequence of which, after deducting the necessary appointment in the excise was	261	... 26,952
By this arrangement the Treasury lost the appointment of 459 offices, the new ones being in the gift of of the Excise.		

RECAPITULATION.

	No.	Ann. Value
1782—Under Mr. Burke's Act, ...	134	£57,500
1782-3—By the Treasury, ...	144	13,625
	278	71,125
Do. Officers appointed to perform the duties of those suppressed.	62	10,909
Savings and reductions in the years above mentioned	216	60,216
1782-3—Under the Exchequer regulating Act, by abolition and reductions	4	66,000
1785—By the Auditor's Act, two offices for life of great value, the reversions of which were both open, were abolished; but a new board was established (in which not one political friend was placed) the number of officers remained the same, but a saving was effected...		33,141
1785—Patent Offices in the Customs	196	42,000
1799—Auditors of the Land Revenue, Sinecure Employments, the Reversion of one open	3	5,500
1799—Suppression of the Salt Board		

and all its Officers; the whole in the gift of the Treasury	459	26,952
	878	£.233,809
Deduct the Savings under Mr. Burke's Act, the Treasury Regulations in consequence of it: under the Exchequer Account	220	126,000
Savings made by Mr. Pitt's Measures alone	658	£.107,809

In the preceding total of 878 offices of the annual value of 233,809*l.* suppressed since 1782, the offices suppressed in the Excise are not included, as they were in the gift of the Commissioners of that Revenue.

But it has been said the immense increase of Revenue in the war from 1792, had occasioned a proportionable number of offices and the necessary expence attendant thereupon; adding of course greatly to the influence of the Crown. In this instance however, the same attention to economy, and to avoid such an objection, will be found.

From 1792 to 1799, Taxes were imposed to the Amount of 7,682,000*l.*

The Charges of management were .... 6,955*l.*	52 Officers appointed
Salaries discontinued 3,779	53 Do. abolished.
£.3,176	

Not one Employment was therefore added: and the increased charge of collection only 3,176*l.* about 10d. in the 100*l.* or 2.400 per Cent.

This statement is made to 1799, because it has been in print many years, with Mr. Rose's name to it, shewing the particulars in each department, and has never been called in question.

There should however be opposed to these savings some new establishments created subsequent to Mr. Pitt's coming first into office. The Board of Controul, with salaries to the amount of 6,000*l.* or 7,000*l.* a year, defrayed by the East India Company. The Committee of Trade; no salaries except to the clerks who were paid under the board suppressed. The Transport Board, against which is to be set the suppression of the Sick and Hurt Board, and the commission occasionally paid to persons employed from favour, to take up ships in the former war; and the naval members of this Board, having no other duties to attend to, the advantages derived from their attention very much exceed the expence of the establishment. The Barrack Board and the officers under it, against which is to be set the savings arising from keeping the men and horses in barracks, instead of at quarters in public houses; much more than equal to the annual expence of this establishment, as appears by a Paper in the Appendix to a Pamphlet published by Mr. Rose on Finance, in 1799. Several Commissioners added for the examination of Public Accounts at home and in the West Indies; which may amount in the whole to 20,000*l.* a year. And some smaller employments rendered necessary in different departments.

It is however to be observed, that the offices abolished were chiefly sinecures, disposed of as mere favours, and useful only as sources of influence; whereas the offices created have all been required by the actual necessities of the public service; they are all efficient, and cannot therefore be given to the same class of persons who filled those which have been abolished: of course, the influence derived from them is essentially different both in its degree and in its direction. Of the former, influence was almost the direct object: of the latter, it is only the collateral consequence.

Thus far there has been no reference to any thing but positive savings arising from the suppression of employments. Other measures, however, of higher importance than these were adopted both with respect to public economy and to influence.

1st, Loan and Lotteries.
2d, Contracts and Commission Business.
3d, Renewals of Crown Leases.

1st, Loans.—The influence derived from these extended infinitely beyond the six or eight persons to whom they were given on such advantageous terms as were privately settled between the minister and those persons; as each of those had on his list a considerable number of the friends of the minister; or the names of the latter were sent to the bank as original subscribers. In one year of the American war the loan was at a premium of 10*l.* per cent. when the list was sent to the bank.

Suppose the saving by the mode adopted for the first time by Mr. Pitt, to be only * 3*l.* per cent. and the Loans 12,000,000*l.* (unhappily one year,

* How very moderate an estimate this is may be judged of by reference to the following premiums on Loans in the American war:—

1779	£. 11 0
1780	8 10
1781	9 0
1782	13 10
1783	7 10

1797, the amount was 32,000,000*l.*) the saving would be ..... £. 360,000

2d, Of the sums which would have been issued to Contractors under the former system, it is very difficult to make an accurate computation; but it would be a low estimate to state it at 1,500,000*l* and we can hardly suppose, when the Contracts were given as matter of mere favor without competition, that the profit was so low as 5*l.* per cent. 75,000

Probably thirty persons, making purchases at 150,000*l.* each, at a profit of 2,500*l.* These were chiefly members of parliament, till the Disabling Act in 1782; after that they were still given as mere favour.

3d. Renewals of Crown Leases has already under the new system, produced an increase of ..... †59,611

In addition to these heads under which there was a mixture of influence and prodigality, an important article respecting the latter is to be added. In former wars certain parts of the naval services were paid in navy bills, which from the middle of 1779 to 1785 were at a discount of from 10*l.* and 11*l.* to 13*l.* per cent. The non interest bills at 13*l.* and 19*l.* Those parts of the naval expenditure have amounted in the present war to upwards of 10,000,000*l.* annually, which are now paid in 90 day bills *at par*, received as ready money, by which there is a saving of more than 1,000,000

1,494,611

Secret service Money to the Treasury was on an average of four years to 1725, 83.000*l.* a year; in seven years to 1740, was 65,000*l.*; in the nine first years of this reign was 54,000*l.*; now limited to 10,000*l.*: Let the saving however, be estimated at only 45,000

£.1,539,000

Here, then, is a saving of more than a million and a half, in addition to the 233,000*l.* before stated; without reckoning any thing for the saving in Ordnance Debentures, or the profits on the Lottery in time of peace, or indeed in war, by which the public now derives a large profit. It is also to be observed that the Lottery tickets, like the loan, were privately disposed of to the friends of the minister. The saving upon the whole may truly be stated at more than 2,000,000*l.* after deducting the 66,000*l.* saved under Mr. Burke's act and Treasury proceedings in consequence of it, and the 60,000*l.* under the Exchequer regulating act.

† This will go on increasing to more than 400,000*l.* a year; the leases till 1794 were granted at low reserved rents and small fines; now they are on the sworn value.

And exclusive of the reduced influence of the Crown here stated; there were eighteen Parliamentary offices among those abolished in 1782.

Total 513.....	In England Members now holding place during pleasure ...	42
45.....	D'tto in Scotland	2
100.....	Ditto in Ireland	10
658		54

Of the above, two or three are in decided opposition to administration; and if the remaining 51 or 52 may be supposed to be influenced by their employments, it is not less likely that a number of gentlemen in opposition are influenced by their desire for office. He had heard a great deal of good times, but in this respect they were much lessened. He hoped gentlemen would not suppose what he had stated was for the purpose of checking the ardour of gentlemen in bringing forward resolutions like the present; he had no such intention; in what he had done he was actuated solely by what he thought his duty at the present moment. As to the Resolutions, as far as they went they appeared to him to be unexceptionable.

Mr. *Creevey* was at a loss how to reconcile the Report which he held in his hand with the high panegyric which the right hon. gentleman had thought proper to pronounce upon his deceased friend. The right hon. gent. had gone so far back as the year 1713, when he came to treat of Pensions. If he had looked at later periods, he would have found that they had increased very much since the beginning of the present reign. From the Report under consideration it appeared, that the amount of the Pension List had been most enormously increased by Mr. Pitt. But this was a part of the case which the right hon. gent. had felt it convenient to overlook, although the subject of pensions was the first topic that offered itself in the Report. There was also a strong fact which the right hon. gent. happened to forget, but he would call it to his recollection. The right hon. gent. would, perhaps, remember when Mr. Pitt, and himself, induced that house to acquiesce in the grant of 9,000*l.* a year to the duke of Gloucester, from the public purse, upon the allegation that the produce of the 4½ per cent. duties, upon which that sum had been previously charged, was inadequate to pay it. By this grant the public lost 105,000*l.*, yet soon after it was made, the "inadequate fund" was found a resource sufficient to provide

for several of Mr. Pitt's friends and relations. Indeed, but a short time afterwards pensions were charged upon it of 1,500*l.* a year for Mr. Long; 1,200*l.* a year for Mr. Huskisson; of 6 or 700*l.* a year to each of Mr. Pitt's nieces, together with an allowance to lady Chatham; and no less than 1,500*l.* a year to lady Grenville. With this fact, and several others of a similar nature in his recollection, he could not subscribe to the justice of the right hon. gent.'s panegyric upon Mr. Pitt's solicitude to curtail the public expenditure, and to sacrifice to that object either personal connection or ministerial influence.

Mr. *Rose* vindicated the conduct of his right hon. friend in the transaction alluded to, and averred that the 4½ per cent. duties were inadequate to furnish the allowance granted to the duke of Gloucester at the time the proposition complained of by the hon. gent. was brought before the house. He proved that in the year 1720, independent of the relative value of money, the Pension List was greater than at this moment. He also corrected his statements with respect to the 4½ per cent. fund, and shewed the nature of its application, in paying off 172,000*l.* of debt, after it was released from the payment of the duke of Gloucester's annuity. As to the provision which his right hon. friend had thought proper to make for his relations, he was sure that the country would justify that, when they considered the merit of a life devoted to their service, and the circumstances under which he died.

Mr. *Wilberforce* thought the poverty in which Mr. Pitt died was very much to his credit; he was a man who practised virtue most, and made the least display of it; he indeed "Did good by stealth, and blush'd to find it fame."

Mr. *Creevey* thought the crown had no title to the revenue arising from the 4½ per cent. The question was, what had the practice been? 20,000*l.* had been advanced in aid of the Civil List, which was the first sum ever thus appropriated, in 1791. He wished to know if any law could be pointed out to his notice that he might have overlooked, authorising the crown to give pensions out of that fund. He condemned the giving political pensions from this fund, which ought to be only appropriated to the salaries of government.

Mr. *Long* would by no means admit this principle; it would be found that in the reign of George I. pensions had been given from this 4½ per cent. fund, to many persons, and among the rest to lord Hobart, governor of Jersey. In the reign of George II. it was also applied to such purposes, as from 70 to 80,000*l.* had been drawn from it in aid of the Civil List, and in the year 1762, a pension of 3,000*l.* per annum was given to the late lord Chatham. No Attorney or Solicitor General, or Lord Chancellor, since that time, could be named who had not been a party in such grants. It did not come within the spirit of Burke's Act; for Mr. Burke himself expressly stated, in one of his pamphlets, that he had a view only to the Civil List in his regulations, and that he knew of the 4½ per cent. fund, but thought it best to leave that as a reward for merit. The hon. gent. had alluded to the annuity granted to the duke of Gloucester in 1786. What did parliament do on that occasion? Did they say such a grant was contrary to Mr. Burke's act? No, it had ever been admitted that that fund was a part of the hereditary revenue, and consequently at the disposal of the crown. The attention of every Committee of Finance was turned to the subject, and they all sanctioned the legality of this application.

Mr. *Creevey* said, it was stated as a part of the public revenue.

Mr. *Rose* was of opinion it was part of the customs.

Mr. *Creevey* stated, that lord Grenville and lord Harrowby (then Mr. Ryder) had, in the Report of a Finance Committee, reported the 4½ per cent. funds as public money.

Mr. *Rose* said, that he could not see, even admitting for a moment the truth of the statement, how it bore upon the question.

Sir *J. Newport* said, that as his hon. friend had introduced this subject before the house, he hoped some gentleman for Ireland would institute a similar exposition with respect to that country, for he had a statement to make to the committee with regard to the financial arrangements of Ireland, at one time, that would, he apprehended, astonish gentlemen who heard him, and incline them to think that such an exposition would not be unnecessary. In the administration of a noble lord who was now a cabinet minister, he meant the Lord Privy Seal (lord Westmoreland), it was enacted by parliament, that until the Pension List establishment for Ireland should be reduced to 80,000*l.* the grants of pensions

should not in anyone year for each year exceed 1,200*l.* The act to this effect passed in the latter part of the month of July, in the year 1793, but was not to take effect till the 25th of March, 1794. Now, the Committee would scarcely believe, that in the interval of only seven months the enormous sum of 13,000*l.* had been added to the amount of pensions upon the Irish establishment in the administration of that noble lord, so that it appeared from the Returns made to that house, a copy of which he held in his hand, that a leading member of the present cabinet had, when Lord Lieutenant of Ireland, taken advantage of the interval between the passing of a law and the time of its taking effect, to violate the spirit of that very enactment [Hear! hear!]: that so far from any attempt to reduce the Pension List; so far from confining the grants for any one year within 1,200*l.* he had actually within seven months imposed upon the establishment the enormous burthen of 13,000*l.* and thus disposed of the amount of ten years pensions within the short period of seven months. The gross amount was 13,500*l.*, but from this he excluded lord F. Campbell's pension, and that to the Burgh family, leaving a sum amounting to 13,000*l.* and it would further appear from the accounts, that in the course of five years, from 1790 to 1795, the sum of 39,000*l.* a year was added to the public burdens in that country with regard to pensions. The time was now fast approaching when, by deaths, it was expected that the Pension List would be brought within the due limits; but whether that expectation would prove well founded or not, he had no hesitation in saying, that it was his intention, early in the ensuing sessions, to call upon parliament to continue the limitation of the grant of pensions to 1,200*l.* annually, until the establishment should be reduced to 30,000*l.* or at most to 40,000*l.* He stated farther that the 1,200*l.* in one year was disposed of between three members of that house, late or present.

Mr. *Foster* denied that in the vice-royalty alluded to so much money had been granted in pensions. Deducting the pensions to the Burgh family and to lord Frederick Campbell, instead of 13,000*l.* only 4,000*l.* would appear to have been given.

Sir *J. Newport* repeated his assertion, which was verified by the returns of the house of commons, and even expressly deducting the pensions now mentioned, 13,000*l.* annually would be found to have been granted.

Mr. *Whitbread* declared it was not his intention to enter into the former details of the debate. He was very ready to confess that Mr. Pitt had laid many perspicuous financial statements before the house, and believed it to be his object, at one period, to attain the utmost perfection he could in the science of finance. Whether he deviated from that determination since the year 1793, it was for the house to judge. He certainly failed in some of his calculations, and as an instance the committee might refer to his prophecy in the year to which he alluded, that we should have a fifteen years peace. While he paid every tribute to the disinterestedness of his private life, and praised the poverty in which he died, still he must say that the war had been carried on with the utmost prodigality. In the barrack department alone the extravagance was amazing. Notwithstanding all that had been said by the right hon. gent. (Mr. Rose) to prove that every attention had been paid to economy, he still thought, that there were grounds for complaints of the most serious nature, when the great waste of the country's resources was considered which had been discovered in every branch of the war department. He thought it something extraordinary, that it should be said the hon. gent. received that pension still, which it was understood was to be given up by a person holding a situation of more than 2000*l.* a year. He did not know that he received more, but he supposed that at least his income amounted to that sum, and did not doubt but the hon. gent. would explain the matter in the most satisfactory manner. He did not intend to enter into the disputed question, as to the $4\frac{1}{2}$ per cent. fund, but yet he thought both the right hon. gent. opposite (Mr. Long) and Mr. Burke himself most incompetent judges upon the subject, because they were themselves renters from that very fund. The corruptions of former times had been very much dwelt upon in contradistinction to the purity of the present; and much allusion had been made to the degradation of that house, at an early period, when bribery was common, and doles of the public money were dealt out to the members of that house by the government. Now, he had no doubt, even in those corrupt days, when reform and retrenchment

were proposed, that a loud outcry was raised on the occasion, and the integrity of contractors, &c. highly vaunted. Much it was said, had been corrected since; but much, he contended, had been left behind to correct; many branches of expenditure to be retrenched, and much extravagance to be curtailed. Now, because some men were pure, it was not necessarily to be inferred that all were so, and though he was of course inclined to pay the highest compliment to the patriotic forbearance of the right hon. gent. opposite (Mr. Rose), still he was not sure that every one else deserved the same eulogium. The right hon. gent. had touched, indeed, but slightly, on the subject of the Barrack Board, that great source of public extravagance, and still less on the abuses of the Transport Board, where such vast sums of money were so unnecessarily squandered. [Mr. W. Pole said across the table, he did not believe it.] The hon. gent. was welcome not to believe it if he chose, but he (Mr. Whitbread) believed it, and thought it was a question even whether that board ought to be allowed to exist at all or not. Some time since a noble lord, member for Westminster, whose gallant and patriotic achievements were the theme of every man's panegyric, (lord Cochrane), was of opinion, that the influence of the crown in that house was greater than it ought to be, and moved for a return of all the members holding offices, sinecures, or pensions under government. That motion was afterwards made more general, and the returns to it referred to a committee, the Third Report of which committee was then before them. The influence of the crown he still thought greater than it ought to be in that house. He certainly did not mean to say that no officer of the Crown should sit in that house, but he thought the error too much on the other side. There were for instance the Chancellor of the Exchequer, and the other ministers of state, who might have seats in parliament; but it was not necessary for all the lords of the treasury, who, indeed, were generally silent in the house. Secretaries of the treasury may also have a seat in the house. Of one of these gentlemen he did not mean to speak otherwise than in panegyric, for his close and accurate habits of business, but the other was absolutely a mute, of whom they heard nothing, but saw a great deal. The Lords of the Admiralty, perhaps, also ought to be excluded, but to the liveliness of one of them, he must pay his tribute. One person perhaps connected with the board of controul was requisite in the house. Of its President he could not speak, for he was at present so full of his Irish affairs, that in fact the office was vacant. Persons holding that office were understood to act gratuitously on their first appointment, but that idea was soon done away, and lord Melville received much in the shape of salary before he was created Treasurer of the Navy, and then created two new offices for the education of young statesmen under him. It was not exactly conformable to Mr. Pitt's practise, for young men who were but a few years in office to take pensions for life. He did not wish to speak of living persons, but he must be excused for the allusion, as so many were mentioned in the Report. He did not see the propriety of giving persons pensions for life after being in office two or three years. Men of talent would be found to fill the principal offices of the state, even though they were not thus pensioned off. Mr. Pitt, whom the gentlemen opposite professed to make their model, did not act so. He did not seek some snug thing for himself as soon as he got into power. He (Mr. Whitbread) thought the influence of the crown in that house ought to be less than it was, and would therefore, in order to bring the question fairly before the committee, move as an amendment on the Resolution, that the words "And as a further limitation, be it provided, that no person shall hold a seat in this house having a sinecure or other private place of emolument under the crown," should be added. He wished to say a word or two on those very respectable members, the Welsh Judges. Though he thought them less exceptionable than others, yet there was a something in their sitting there which offended so far against the principle he wished to establish, that he would submit it to the house, whether or not they ought still to be considered as eligible to hold seats in parliament.

The *Chancellor of the Exchequer* considered this amendment of the hon. gent. as founded upon a most aristocratic principle; it would throw the offices of the crown into the hands of those alone who could, from their property, very well dispense with their salaries. He opposed to the theory of the hon. gent. the constant practice of that house, and con-

tended that at all periods it proved the best bulwark of the liberties of the people, which plainly proved the fallacy of the argument that went to deny that it could be unduly influenced while officers of the crown had seats in parliament; for officers of the crown had always sat in it. The exclusion of magistrates of all descriptions, in his opinion, might be as well demanded as that of the Welsh Judges; for they never exercised their judicial functions except on circuit. He declared it his intention to give his utmost opposition to the amendment.

Mr. *W. Smith* could not think the true interests of the country were consulted in pensioning off every subordinate officer of government after serving the public two or three years.

Mr. *Ponsonby* was of opinion that the Resolution of his hon. friend was most important in itself, and of the greatest moment to the constitution of the country. For his own part, he was inclined to the Amendment of his hon. friend, and if it was to be pushed to a division, should vote for it. But he wished to submit it to his hon. friend, whether it would not be desirable for him to adopt the same course respecting his Amendment which had been pursued with respect to the former Resolutions, namely, to suffer it to lie on the table for a few days, in order to allow gentlemen an opportunity of considering its contents. The question was one of great moment and delicacy, and required to be looked at gravely, with a due regard to the constitution of this empire. Nothing could be so hostile to the existence of union and tranquillity, as the division of the legislature into three estates, unless they were duly balanced: but the great perfection of the constitution of this country was, that no class of the community was excluded from its just share in the deliberations of the state.—Many bills had been passed with a view to prevent abuses; but the present question, if any, deserved the peculiar attention of that house. If he were to be called on to give a vote on the present question, he would support the Amendment of his hon. friend, though he should be much better pleased, if his hon. friend would consent to put off the discussion of it for a few days, as had been done when the Resolutions were at first proposed, in order to give the house an opportunity of comparing the Amendment with those Resolutions.

Mr. *Lyttleton* concurred in the suggestion of his right hon. friend, and recommended to the committee to defer the further consideration of the subject until both the Amendment and the original Resolution should be in the hands of gentlemen.

Mr. *H. Thornton* contended, that as the navy, the army, the ordnance, the public debt, and every thing connected with the management of public affairs had considerably increased, so also must the influence of the crown have been proportionably extended. That influence could not but be communicated to a great number of members of parliament. It must have continued to work in secret and in silence, and it was the duty of that house to watch and counteract it. Having observed the progress of that influence, he was ready to agree in the principle of the motion before the house, or in any other measure that was likely to lead to a gradual and temperate reform of abuses.

Lord *Folkestone* was ready to enter into the discussion of the question at that moment, and would vote for the Amendment, though he had no hesitation to accede to the suggestion of putting off the discussion to another occasion. He could not, however, avoid saying, that the object of all former times had been to curtail the influence of the crown, and to prevent placemen from having seats in that house.

Mr. *Whitbread*, though he wished for a decision upon the subject of his Amendment, had yet no objection to put off the final discussion to a future day. He saw no reason why chief justices should be made Peers, nor why Welsh Judges should be allowed to become members of that house. Neither could he admit that, because a person abandoned his profession, he should have a provision for life made for him for having abandoned it. He was ever ready to admit that a person, worn out in the service of his country, ought to be adequately provided for; he contended that no such extravagant compensation, as had been given to Mr. M'Donald for quitting his profession to become a Commissioner of American property, ought, under any such circumstances, to be granted. Such grants were contrary to the plans of Mr. Burke, Mr. Pitt, and lord Shelburne. The increase of the influence of the crown would be obvious, when it was considered how much the army, the navy, and every other branch of the public expenditure

had been augmented. He had no objection to suffer his Amendment to lie on the table for a few days, or to withdraw it altogether, with a view to bring it forward as a separate motion on Thursday next.

Lord *H. Petty* entered into a justification of the appointment and remuneration of Mr. M'Donald, and concurred in the propriety of adjourning the discussion of the Amendment to a future day.

Mr. *Wellesley Pole* rose to explain a statement in the Supplement to the Third Report, which concerned him. When lord Wellesley went to India, it was thought advisable to insert the hon. member's name in the patent of the office of Remembrancer of the Exchequer, in case the office should become vacant while lord Wellesley was absent; but the hon. member reaped no emolument whatever from this arrangement, and was very much surprised to find his name mentioned in the Supplement to the Third Report in rather an ambiguous manner. This mistake did not originate with the Chancellor of the Exchequer; and the hon. gent. had indeed made a statement to the committee, disclaiming the receipt of any emolument in consequence of the arrangement the hon. member had explained.

Mr. *H. Thornton* replied, that the hon. member's name was introduced into the Report, in a manner that was perfectly unambiguous; for in one passage, after giving the hon. member's name, it expressly stated, that the profits were understood to belong only to lord Wellesley; and in another, after giving the hon. member's name conjointly with that of lord Wellesley, it was added, that the profits were supposed to belong to lord Wellesley.

The first Resolution was then read, and carried without a division.

Mr. *Whitbread* proposed to make a separate motion to the house of his amendment, on Thursday next.

Mr. D. Giddy then left the chair, and reported progress to the house. The Report was ordered to be taken into further consideration on Thursday next.

[PAPERS RELATING TO AMERICA.] Mr. Secretary Canning presented the following

PAPERS
RELATING TO AMERICA.

No. I.—DISPATCH *from Mr. Secretary Canning to the hon. D. M. Erskine; dated Foreign Office, 23rd Jan.* 1809.

Sir; If there really exist in those individuals who are to have a leading share in the new administration of the United States, that disposition to come to a complete and cordial understanding with Great Britain, of which you have received from them such positive assurances; in meeting that disposition, it would be useless and unprofitable to recur to a recapitulation of the causes from which the differences between the two governments have arisen, or of the arguments already so often repeated in support of that system of retaliation to which his majesty has unwillingly had recourse.—That system his majesty must unquestionably continue to maintain, unless the object of it can be otherwise accomplished.—But after the profession on the part of so many of the leading members of the government of the United States, of a sincere desire to contribute to that object in a manner which should render the continuance of the system adopted by the British government unnecessary, it is thought right that a fair opportunity should be afforded to the American government to explain its meaning, and to give proof of its sincerity.—The extension of the interdiction of the American harbours to the ships of war of France as well as of Great Britain, is, as stated in my former dispatch, an acceptable symptom of a system of impartiality towards both Belligerents; the first that has been publicly manifested by the American government.—The like extension of the Non-importation act to other Belligerents is equally proper in this view. These measures remove those preliminary objections which must otherwise have precluded any useful or amicable discussion.—In this state of things, it is possible for Great Britain to entertain propositions, which, while such manifest partiality was shewn to her enemies, were not consistent either with her dignity or her interest.—From the report of your conversations with Mr. Madison, Mr. Gallatin, and Mr. Smith, it appears; 1st. That the American government is prepared, in the event of his majesty's consenting to withdraw the Orders in Council of January and November 1807, to withdraw contemporaneously on its part the interdiction of its harbours to ships of war, and all Non-intercourse and Non-importation acts, so far as respects Great Britain; leaving them in force with respect to France, and the powers which adopt or act under her Decrees; 2dly. (What is of the utmost importance, as

precluding a new source of misunderstanding, which might arise after the adjustment of the other questions). That America is willing to renounce, during the present war, the pretension of carrying on in time of war all trade with the enemy's Colonies, from which she was excluded during peace; 3dly, Great Britain, for the purpose of securing the operation of the Embargo, and of the *bonâ fide* intention of America to prevent her citizens from trading with France, and the powers adopting and acting under the French Decrees, is to be considered as being at liberty to capture all such American vessels as may be found attempting to trade with the ports of any of these powers; without which security for the observance of the Embargo, the raising it nominally with respect to Great Britain alone, would, in fact, raise it with respect to all the world. —On these conditions his majesty would consent to withdraw the Orders in Council of January and November 1807, so far as respects America.—As the first and second of these conditions are the suggestions of the persons in authority in America to you, and as Mr. Pinkney has recently (but for the first time) expressed to me his opinion, that there will be no indisposition on the part of his government to the enforcement by the naval power of Great Britain of the regulations of America with respect to France, and the countries to which these regulations continue to apply, but that his government was itself aware, that without such enforcement those regulations must be altogether nugatory; I flatter myself that there will be no difficulty in obtaining a distinct and official recognition of these conditions from the American government.—For this purpose you are at liberty to communicate this Dispatch *in extenso* to the American Secretary of State.—Upon receiving through you, on the part of the American government, a distinct and official recognition of the three abovementioned conditions, his majesty will lose no time in sending to America a minister fully empowered to consign them to a formal and regular Treaty.—As, however, it is possible that the delay which must intervene before the actual conclusion of a Treaty may appear to the American government to deprive this arrangement of part of its benefits, I am to authorize you, if the American government should be desirous of acting upon the agreement before it is reduced into a regular form, either by the immediate repeal of the Embargo, and the other acts in question, or by engaging to repeal them on a particular day) to assure the American government of his majesty's readiness to meet such a disposition in the manner best calculated to give it immediate effect.—Upon the receipt here of an official Note, containing an engagement for the adoption by the American government of the three conditions above specified, his majesty will be prepared, on the faith of such engagement, either immediately (if the repeal shall have been immediate in America) or on any day specified by the American government for that repeal, reciprocally to recal the Orders in Council, without waiting for the conclusion of the Treaty; and you are authorized, in the circumstances herein described, to take such reciprocal engagement on his majesty's behalf. I am, &c.

GEORGE CANNING.

No. II.—NOTE *from Mr. Erskine to the Secretary of State of the United States; dated Washington, April 17th* 1809.

Sir; I have the honour to inform you, that I have received his majesty's commands to represent to the government of the United States, that his majesty is animated by the most sincere desire for an adjustment of the differences which have unhappily so long prevailed between the two countries, the recapitulation of which might have a tendency to impede, if not to prevent, an amicable understanding.—It having been represented to his majesty's government, that the congress of the United States, in their proceedings at the opening of the last session, had evinced an intention of passing certain laws which would place the relations of Great Britain with the United States upon an equal footing, in all respects, with the other Belligerent powers, I have accordingly received his majesty's commands, in the event of such laws taking place, to offer on the part of his majesty, an honourable reparation for the aggression committed by a British naval officer in the attack on the United States frigate, Chesapeake.—Considering the act passed by the congress of the United States, on the first of March (usually termed the Non-intercourse act) as having produced a state of equality in the relations of the two Belligerent powers, with respect to the United States, I have to submit, conformably to my instructions, for the consideration of

the American government, such terms of satisfaction and reparation as his majesty is induced to believe will be accepted in the same spirit of conciliation with which they are proposed.—In addition to the prompt disavowal made by his majesty, on being apprised of the unauthorized act committed by his naval officer, whose recal, as a mark of the king's displeasure, from an highly important and honourable command, immediately ensued, his majesty is willing to restore the men forcibly taken out of the Chesapeake, and, if acceptable to the American government, to make a suitable provision for the unfortunate sufferers on that occasion. I have the honour to be, &c. D. M. ERSKINE.

No. III.—LETTER *from the Secretary of State of the United States to the hon. D. M. Erskine; dated Department of State, April 17th* 1809.

Sir; I have laid before the President your Note, in which you have, in the name and by the order of his Britannic majesty, declared that his Britannic majesty is desirous of making an honourable reparation for the aggression committed by a British naval officer in the attack on the United States frigate, the Chesapeake; that in addition to this prompt disavowal of the act, his majesty, as a mark of his displeasure, did immediately recal the offending officer from an highly important and honourable command; and that he is willing to restore the men forcibly taken out of the Chesapeake, and, if acceptable to the American government, to make a suitable provision for the unfortunate sufferers on that occasion.—The government of the United States having, at all times, entertained a sincere desire for an adjustment of the differences which have so long and so unhappily subsisted between the two countries, the President cannot but receive with pleasure, assurances that his Britannic majesty is actuated by the same disposition, and that he is ready, in conformity to this disposition, to make atonement for the insult and aggression committed by one of his naval officers, in the attack on the United States frigate the Chesapeake.—As it appears at the same time, that in making this offer, his Britannic majesty derives a motive from the equality now existing in the relations of the United States with the two Belligerent powers, the President owes it to the occasion, and to himself, to let it be understood, that this equality is a result incident to a state of things growing out of distinct considerations.—With this explanation, as requisite as it is frank, I am authorized to inform you, that the President accepts the note delivered in the name and by the order of his Britannic majesty; and will consider the same with the engagement therein, when fulfilled, as a satisfaction for the insult and injury of which he has complained.—But I have it in express charge from the President to state, that, while he forbears to insist on a further punishment of the offending officer, he is not the less sensible of the justice and utility of such an example, nor the less persuaded that it would best comport with what is due from his Britannic majesty to his own honour. I have, &c. &c.

R. SMITH.

No. IV.—LETTER *from Mr. Erskine to Mr. Smith; dated Washington, April 18th* 1809.

Sir; I have the honour of informing you, that his majesty, having been persuaded that the honourable reparation which he had caused to be tendered for the unauthorized attack on the American frigate Chesapeake would be accepted by the government of the United States in the same spirit of conciliation with which it was proposed, has instructed me to express his satisfaction should such a happy termination of that affair take place, not only as having removed a painful cause of difference, but as affording a fair prospect of a complete and cordial understanding being established between the two countries. The favourable change in the relations of his majesty with the United States, which has been produced by the act (usually termed the Non-intercourse act) passed in the last session of congress, was also anticipated by his majesty, and has encouraged a further hope that a reconsideration of the existing differences might lead to their satisfactory adjustment. On these grounds and expectations I am instructed to communicate to the American government, his majesty's determination of sending to the United States an envoy invested with full powers to conclude a treaty on all the points of the relations between the two countries. In the mean time, with a view to contribute to the attainment of so desirable an object, his majesty would be willing to withdraw his Orders in Council of January and November 1807, so far as respects

the United States, in the persuasion that the President would issue a proclamation for the renewal of the intercourse with Great Britain; and that whatever difference of opinion should arise in the interpretation of the terms of such an agreement, will be removed in the present negociation. I have the honour to be, &c.

D. M. ERSKINE.

No. V.—LETTER *from Mr. Smith to the hon. D. M. Erskine; dated Department of State, 18th April* 1809.

Sir; The Note, which I had the honour of receiving from you this day, I lost no time in laying before the President, who, being sincerely desirous of a satisfactory adjustment of the differences unhappily subsisting between Great Britain and the United States, has authorized me to assure you, that he will meet, with a disposition correspondent with that of his Britannic majesty, the determination of his majesty to send to the United States a special envoy, invested with full powers to conclude a treaty on all the points of the relations between the two countries. I am further authorized to assure you, that in case his Britannic majesty should, in the mean time, withdraw his Orders in Council of January and November 1807, so far as respects the United States, the President will not fail to issue a proclamation, by virtue of the authority and for the purposes specified in the eleventh section of the statute commonly called the Non-intercourse-act. I have the honour to be, Sir, &c.

R. SMITH.

No. VI.—LETTER *from Mr. Erskine to Mr. Smith; dated Washington, April 19th* 1809.

Sir; In consequence of the acceptance by the President, as stated in your letter dated the 18th instant, of the proposals made by me on the part of his majesty, in my letter of the same day, for the renewal of the intercourse between the respective countries, I am authorized to declare that his majesty's Orders in Council of January and November 1807, will have been withdrawn, so far as respects the United States, on the 10th day of June next. I have the honour to be, &c.

D. M. ERSKINE.

No. VII.—LETTER *from the hon. Robert Smith to the hon. D. M. Erskine; dated Department of State, April 19th* 1809.

Sir; Having laid before the President your note of this day, containing an assurance that his Britannic majesty will, on the 10th of June next, have withdrawn his Orders in Council of January and November 1807, so far as respects the United States, I have the honour of informing you, that the President will accordingly, and in pursuance of the eleventh section of the statute commonly called the Non-intercourse act, issue a proclamation, so that the trade of the United States with Great Britain may on the same day be renewed, in the manner provided in the said section. I have the honour to be, &c.

R. SMITH.

HOUSE OF LORDS.

Tuesday, June 6.

[FEVERSHAM SMALL DEBTS BILL.] On the question for the second reading of the Bill for extending the Feversham jurisdiction for the recovery of small debts to the hundred, and constituting the Feversham jurats judges, in common with the hundred,

Lord *Ellenborough* stated various forcible objections to the measure. His lordship said, that his time had been particularly broken in upon by applications from parties respecting such bills as these, which were generally the offspring of self interest, and originated with some attorneys, in particular neighbourhoods. Under the pretence of cheap justice, they were in their effects nothing but cheap injustice to the country. After stating many other sufficient grounds for rejecting the bill, his lordship said, that he had come down to oppose this bill, to mark his disapprobation of such partial, ineffective, and too often injurious measures. The ancient county courts yet remained open to suitors; and he was happy to say, that a noble and learned lord had an intention of bringing forward a measure which contained no partial application, but was directed to this subject in such a way as to embrace the country at large.

The *Lord Chancellor* was glad in having the present opportunity of expressing his approbation of the sentiments delivered by his noble and learned friend. He was aware his noble and learned friend had bestowed particular and serious attention on the subject, before his present line of conduct. With him, he agreed, considerable mischief had been felt by society, in the multiplication of these acts of parliament; they had been carried

into execution by very improper persons, and had a pernicious effect upon those persons themselves; for they thereby imbibed wrong notions of justice, and when they became jurymen, they were apt, from such wrong bias of mind, to give verdicts in opposition to the opinion of learned judges, and in opposition to the established law of the country; they were also destructive to the very first principles of all law amongst us, for they introduced a mode of decision, without laying down, by precedent, any known rule of conduct.

The Earl of *Darnley* said a few words, expressive of his opinion, that the opposition might be considered hard, as in a particular manner affecting the present bill.

The Earl of *Moira* had long witnessed, with regret, the increase of bills of this description. The necessity of some general legislative measure was, in his opinion, evident; and would be found so upon a perusal of the report of the committee appointed to examine into the laws of debtor and creditor.

Lord *Redesdale*, after supporting the arguments of the other noble lords on the present question, stated, that he had it in intention to bring before their lordships, in the next session, a bill for carrying county courts into full effect throughout England. He wished also to state, that he had two other bills in view to bring before their lordships next session. The first was to raise the sum on which writs of arrests took place, to an amount higher than it was at present, which was ten pounds. The object of the other was to endeavour to apply, as far as it was practicable, that principle which had been acted upon in the laws of Scotland, and in the commercial country of Holland, to the insolvency laws of this land. He meant the principle of *Cessio Bonorum*. He could not state exactly the mode he would pursue; but, perhaps, it might be, by a sort of perpetual insolvency bill, as far as he could make it practicable.

The question was then put, that this bill be read this day three months, which was agreed to unanimously. The bill was consequently lost.

[SCOTCH JUDICATURE BILL.]—The Lord Chancellor moved the third reading of the bill to afford further time, for the commissioners to report upon the Judicature of Scotland.

Earl *Stanhope* spoke at length upon the subject, and entered into the principles and details of the proposed measure. He complimented his noble and learned relative (lord Grenville,)—learned, he called him, because he had studied the laws of the country, and because he was once in the learned profession—for his manly and just attempts to give the Scotch the benefit of Trial by Jury. He thought it was very difficult to shew that the Scotch people should not have that benefit; they were, in fact, better educated than the people of this country, with the exception of certain districts, and more likely to be fit, good, and true jurymen. If it was argued, that they were not so fit to receive that blessing as the people of England, that would not do, for the argument must be pushed farther, and it must be maintained that they were more unfit than the people of England were hundreds of years ago: and what was the state of the people of England 300 years ago? Why, their lordships might forget that about that time, in the reign of our Edwards, there was a particular application of an old privilege of ours, he meant the benefit of clergy, rather of a curious sort. The benefit of clergy was at first, intended only for those who could read: afterwards, it was farther extended to other persons of rank and situation; and it was then enacted, that it should extend to all their lordships, to all peers of parliament, temporal and spiritual too; that is to say, to my lords the bishops, as well as to lay lords. Now, it was enacted by that statute, (of which he read a quotation) that any temporal lord, or any bishop, guilty of highway robbery, or housebreaking, or horse-stealing, might plead the benefit of clergy. (A laugh.) Such was the state of our forefathers. And yet, at that time of ignorance, it was not thought improper to entrust common people with the rights, duties, and privileges of jurymen. And if we, in the dark days of ignorance, were fit to be so entrusted, could it be argued that the shrewd and knowing people of Scotland were unfit to be entrusted, in this enlightend century, with a similar right? It was impossible to maintain that argument.—His lordship then entered into a variety of modes by which the desired object might be gradually accomplished, and pointed out the means afforded by the difference of special and general verdicts, and by the facilities that might be given to the court in the first instance of making the verdict special

or general. He likewise dwelt for some time, with much ingenuity, on the alteration in the forms upon which issues depended in cases of trial. He also made many observations as to the mode of deciding by precedents. If for instance there were 21 precedents; a judge must decide by considering the first, second, and third precedent, and so on to the end of the chapter, and then find out which were the best precedents, or the most numerous ones, in order to make up his principle of decision. In some cases, as in the law about "powers," he had counted about 1600 precedents. Well; if a judge had to decide in such a case, what could he do? Why, perhaps he might be some great legal chymist who could speedily decompound and analyze all these different precedents, and ascertain all their various qualities, and extract all their particular juices, and out of them all compound a fine pulp, of which he would make a most excellent principle to guide him in his decision. But this was not sure work. He declared himself friendly to the introduction of trial by Jury in Scotland; but unless his noble relation had any thing to move immediately on this subject, he should be obliged to give the commissioners a little more time, though he thought there was no reason for unnecessary delay.

Lord *Grenville* reviewed the great delays that had occurred in this business, which had been originally proposed by him in June, 1806, and which had been put aside on the change of administration, when parliament was dissolved without being suffered to do any more than to undo what was proposed on behalf of the people of Scotland. That system of procrastination was sedulously pursued, till at last a commission was appointed, nominated by the crown, near the close of last session, and now, instead of their labours, we had one report, and a motion to give them another twelvemonth to consider what they would do. A bill was brought in, without notice, (and he did not know of it till within 24 hours of one of its most important stages,) to extend their time. This he had and would reprobate. A noble and learned lord (Erskine), knew nothing of it, though one of the commission, till he, meeting him, told him of the circumstance. He dwelt upon the propriety of parliament acting for itself, and not acting on the opinion of the Scotch judges, who could not be supposed to be favourable to the introduction of a jury, which was a species of popular controul on their authority. Still he did not mean to speak with disrespect of those judges; but he had found that no man would deny that the alterations wished for were most desirable. The application of the principle, he had never denied, involved many difficulties; but the question of form must be sacrificed to the essential merits of the measure. He then, while he admitted every thing in favour of the commissioners, individually, condemned them for their conduct in some particulars. There was one circumstance most important, to which he begged their lordships attention. The report itself admitted the evil; but by an assumption of the strangest kind, assumed a power which the act of parliament never gave them. The warrant in the sign manual he had never seen, but must suppose it was worded according to the act. He must remark, that though the act passed on the 2d of July, yet the sign manual only bore the date of the 2d of November, and the instrument was not received in Scotland till the 20th of November; that made him incline now to afford the commissioners farther time. But he must ask the noble and learned lord, whose official situation made him particularly looked at in this matter, why that delay occurred? The report noticed that gross and scandalous anomaly in judicial proceedings by which persons who had obtained the sentence of the court of session were yet, before they could obtain the consequent advantages, compelled to get a copy of the sentence, or, as it was in Scotland legally expressed, "an extract of the decreet." He had much information on that point. In one case, that copy cost an individual 1,200*l.* and in another case, where the whole property in question was from 500*l.* to 600*l.* the charge for such copy was above 300*l.* Was it fit that such monstrous abuses of courts of justice should exist a moment longer? Was it not a standing disgrace to the country, if we permitted their existence a moment longer, after the developement of the facts by a report of the commissioners? And yet these commissioners elected themselves into a committee of supply, and did that than which nothing could be more unconstitutional and dangerous. They said, that while they stated the evil, they waited till a compensation was arranged for the clerks, and other persons who received fees out of these monstrous and horrible charges. Would any noble lord say, that the com-

missioners had any thing to do with this part of the subject? Were they appointed to enter into the consideration, far less to settle the arrangements of the burthens that were to be borne by the public? No! it was that house, and the other house of parliament especially, that were to consider of the demand of compensation by money to any person who might be injured by any regulation beneficial to the community. He was sure that no one would propose or support any thing that could go to destroy the means of individual subsistence, and to take from him that to which he had been legally accustomed to look for his support or his comforts; but surely their lordships could not refuse to pass, even at this late period of the sessions, a bill to remove this flagrant and crying evil. He had drawn up a bill on the subject, which he meant to offer to their lordships. Suppose any person placed in a situation similar to those he had described, between the present time and that to which the existence of the commissioners was to be protracted, would he not have reason to condemn their lordships for the hardship and injustice he suffered, through their lordships supineness, after the acknowledgement contained in the report they had received? His lordship concluded, after many observations on the administration of justice, and the abuses that had, by length of time, crept into it, by pressing the importance of the present subject.

The *Lord Chancellor* denied that he had any intention of taking the house by surprize in his bill to extend the duration of the commissioners, and appealed to a noble and learned lord (lord Erskine) who had just come in, for his opinion on that subject with respect to his motives. He felt that there were many difficulties in the present question. As to delay, there was some time required in Scotland to arrange the courts in consequence of the last bill, enacting a new division of them; besides, there was a circuit in Scotland as well as here. He had selected the commissioners from the judges both here and there, from advocates, special pleaders, writers of the signet, and others, the best qualified to give advice and information. He maintained there was no particular delay, and asserted his original opinion that the first bill (lord Grenville's) was not founded or recommended upon sufficient information respecting the laws and practice of the courts of Scotland.

Lord *Erskine* spoke in defence of the original bill of lord Grenville. He admitted that he had not attended the commission, and he said that he did not see what great good he could do in that commission. He considered the forms of trial in Scotland as not easily to be adapted to jury trial, and he thought that in such a case, we should sacrifice these forms, notwithstanding their antiquity, to the great advantages to be derived from trial by jury, which he thought to be the only way in which his native country could experience the best blessings of justice. He adverted to the numerous appeals from Scotland, on which it was almost impossible to do justice in that house. Indeed, it was almost a standing disgrace to the laws and to the house. He cast no personal reflections. The marvel was, how the business was got through. When he had the honour for a short time to preside in the court of chancery, and in that house, he had stated that to be his opinion. But he did not think the opinion of the Scots judges, on whom he passed a high eulogium and tribute of praise, to be the best ground-work on which their lordships could form their judgments. The jury were a popular controul on the judge; and the introduction of it might not be palatable. If a man went into the new forest, and called the animals there together, and asked them how they liked saddles and bridles, it was pretty likely that, if they had the power of speech, they would give their opinion against any such innovation.

Lord *Redesdale* objected to the extent of the proposed introduction of jury trial into Scotland. In some respects he thought jury trial objectionable, as in the case of an action in a bond, in which and in other cases, he thought the law of Scotland wiser than our own. His lordship defended the conduct of the commissioners, and stated his opinion, that the original bill was introduced without sufficient knowledge or information respecting the Scots laws.

The bill was then read a third time.

Lord Mulgrave rose, and intimated his wish to make a particular communication, when strangers were ordered to withdraw. Upon our return to the bar,

Lord *Grenville* was addressing the house on the importance and necessity of the bill which he was about to propose, for the relief of suitors in the Court of Session in Scotland. He should conduct his perseverance in the measure, agreeably to the sense of the house, manifested on the present occasion. He concluded by moving, that the bill be read a first time.

The *Lord Chancellor* declared his consent to the first reading of the bill. Alluding to an observation of the noble baron, he never could admit that lawyers should have, in judicial affairs, a greater share in legislation than other peers. But he could not help observing, there never was a lawyer who did not fancy himself a statesman, and there never was a statesman who did not fancy himself a lawyer. He held an opinion that the introduction of trial by jury, in civil cases, would not answer the expectations of those who most contended for the measure. It reminded him of a discourse on the subject, by two very learned persons in the North. The one entertained an opinion hostile to the measure, and asked, with what machinery he would introduce it? "Why," answered his friend, "there is nothing more easy; make an act of parliament for its introduction." The first replied in his Northern dialect: "My friend, if an act of parliament were passed to make us speak English, I believe we should speak Scotch notwithstanding."

Lord *Redesdale* had no objection to the first reading of the bill, but urged the difficulty of framing a measure to give effectual remedy.

The bill was then read the first time.

HOUSE OF COMMONS.

Tuesday, June 6.

[SPIRITS IMPORTATION SUSPENSION BILL.] Mr. Foster moved the order of the day for the third reading of this bill, when counsel were ordered to be called in to be heard at the bar against its passing into a law; after the bill was read a third time, the counsel having then withdrawn,

Sir *John Newport* rose and said, for any thing he knew, if this bill were allowed to pass, the suspension might be continued from year to year. It had been said originally, that the Irish distillers were in favour of the measure; it could not be said so now, when their counsel appeared against it. He was convinced that Ireland had not been fairly dealt with; but as to impress such a conviction might be productive of the worst consequences, he would not go into it, although he was certain that she had lost more than she had gained by the Act of Union. Those who desired the present bill to pass, wished for a monopoly, and would the house accede to it? As far as one individual voice would go, he would protest against it, as a direct violation of the Act of Union.

Mr. *Foster* said, that what he would contend for was this, that the enactments of the Act of Union were clear, but that the schedule was confused and contradictory. The only way to prevent a misconstruction against Ireland, was to adopt this bill, as it was utterly impossible to take the subject into ample consideration this session.

Mr. *Grattan* allowed, that some adjustment was necessary; but the fairest way, till the law could be settled, was to allow it to remain as it was. By the suspension, a violation of the Act of Union immediately took place, and therefore suspension should not be allowed, till the real spirit could be ascertained. If the advantage was now in favour of Ireland, they were entitled to it; but as Scotland was concerned, Ireland must give way. He concluded by saying, that he would vote against the suspension.

Mr. *Hutchinson* said, that in two cases where questions upon the Act of Union had been brought before the house, they had been carried against Ireland, as it were, by acclamation, and he hoped the third would not share the same fate. By the Act of Union, the Irish distiller had a right to come to market, by paying the countervailing duty, and if this measure were carried, it would be putting the question at rest for a twelvemonth, with a vengeance. Why they should be deprived of this right he knew not; unless because it had been determined to be against the English market. As he had argued the subject, he would not detain the house by further observations, but wished to know from a right hon. gent. opposite, why he could not apply a remedy to the Scotch trade, without adopting this measure?

The *Chancellor of the Exchequer* regretted the difficulties arising out of the measure, but said it was impossible it could be construed as a violation of the Act of Union. The English and Irish revenue were both concerned in the decision of the question, and as he could throw no new light upon the subject, it having been already so fully discussed, he would content himself by declaring in favour of the bill.

The house then divided, when the numbers were

Ayes, - - - - - - - - - - - - - -	74
Noes, - - - - - - - - - - - - - -	13
Majority - - - - - - - - - - -	—61

The bill was then read a third time and passed.

[EAST INDIA PRIVATE TRADE.] Mr. *Prendergast* called the attention of the

house to the state of the East India Privade Trade, and contended that private merchants were very hardly treated by the directors of the company, who made these individuals keep pace with the prodigality with which the trade of the company was carried on. He further contended, that the directors had not fulfilled certain engagements which they had come under, to give facility to the private trade. To prove this, he moved for several papers of various dates, from 1797, to the present time, consisting of Calcutta gazettes; memorials to the directors; letters of marquis Wellesley; lord Melville, &c. &c.

Mr. *C. Grant* affirmed, that every attention had been paid by the directors to the interest of the private merchant that was consistent with the privileges of the company. But the truth was, that nothing could satisfy these gentlemen short of having the trade thrown completely open. He had no objection to the production of the papers.

Mr. *Creevey* observed, that the mercantile transactions of the company would come to be considered when the East India committee, to which these papers had been referred, presented its Report. But he thought the hon. gent. who introduced the subject might have said something as to the political evils connected with India, such as the seizing of kingdoms, &c. In his opinion it was preposterous, after the conduct of marquis Wellesley had been so pointedly condemned by the directors, that no measures had been taken to prevent future governments from following a similar course.

Mr. *Dundas* said that the house had decided on the conduct of lord Wellesley.

Mr. *Wallace* thought the papers ought not to be granted.

After some observations from Mr. P. Moore, the Speaker stated an objection to the motion in point of form. It was therefore withdrawn for the present.

[MARTINIQUE.] Mr. *Stephen* moved for a return of the troops employed in the late expedition to Martinique, distinguishing the black troops from the Europeans. The object was to call the attention of the house to a Proclamation issued previous to the attack upon Martinique. In this proclamation a distinction was made between the people of colour who should make resistance, and the negroes found with arms. The latter were, it appeared, to be called before a military tribunal, and treated much more severely than the former. He objected to this, 1st, because a considerable portion of our own troops in that expedition were negroes; 2dly, because it might afford Buonaparté an excuse for the savage practices which he resorted to against those who, out of loyalty to their government, resisted him. He adverted to the gallant conduct of the black troops at the attack of Martinique; of the Saintes; and on various other occasions. He adverted also to their importance for the defence of our West India possessions, and contended that the distinction was unjust and impolitic.

Lord *Castlereagh* said, that this part of the proclamation had attracted the attention of government. They had asked for explanation, and could do nothing farther till that arrived. The officers were persons of known humanity, and in all probability could give an explanation that would be satisfactory. He hoped, therefore, the hon. gent. would think the motion unnecessary at present.

Colonel *Dillon* observed, that he could not but wish that the hon. gent. would withdraw the motion, as it must be considered as a slur upon our commander, who had lately made so important an atchievement; that to circumscribe the power of a general in issuing a proclamation, was a novel and a bad precedent; and that the commanders, in his opinion, were perfectly justified in the proclamation they had issued, from the dreadful example of the negroes interfering in the warfare in St. Domingo. The horrors they had committed there justified the commanders in taking every precautionary step of intimidation; and the event proved they were right, for the white population received them with open arms, and the negroes were neutral. As to the black corps, the hon. gent. rated them too highly, when he compared them to British troops.

Mr. *Barham* recommended caution in the employment of black troops. If they revolted in the large islands and joined the disaffected, in Jamaica for instance, we might find it difficult to conquer them. Buonaparté had conquered Europe, but could not conquer St. Domingo.

Mr. *C. H. Hutchinson* approved of the principle on which the present motion was founded, but was very much afraid, that when we acted as conquerors, we did, like others, all we could do to maintain and to secure our conquests. He condemned the too general practise of abu-

ing indecently foreign powers, while our enemies, for resorting to those means of conquest to which we ourselves were in some instances necessarily and avowedly indebted. He was glad that the noble viscount (Castlereagh) had not, in the name of the government, approved of the proclamation alluded to by the honourable mover.

Mr. Stephen then consented to withdraw his motion for the present.

[MR. CURWEN'S REFORM BILL.]—The house resolved itself into a committee on the Seats in Parliament Sale Bill.

The *Chancellor of the Exchequer* rose to move an amendment in the clause respecting the giving of money or offices for the procuring of seats in parliament. As to the first part, which related to money being given for seats, he had no objection to the wording of the clause which mentioned "any contract or agreement, express or implied, to pay money." He did not object to that, because it was a thing which was not difficult to be ascertained. He objected, however, to the words "express or implied," as relating to the grant of offices; and the reason he objected to it was, the great difficulty of ascertaining what should be considered an implied agreement. As to the offices, they must necessarily be granted to somebody or other, or the business of the state could not go on. If, then, any of those offices were given to a person who had been useful, or who might hereafter be useful at an election, a jury would be puzzled when to pronounce that it was an implied agreement, or that it was not. It appeared to him that it was a very strong ground of difference, that offices must be given to somebody, and therefore might honestly and properly be given to persons who were electors, whereas money given, or promised to be given, from the pocket of the candidate, could hardly be conceived to be given with any other idea than that of obtaining a corrupt influence. He had objected, at first, to that part which not only vacated the seat of a member, but exposed him to a trial for a misdemeanor; as he conceived, that if the misdemeanor was proved before a court or a jury, the verdict would, in fact, determine the seat. He had waved, however, his objections on this head; but when it was considered what very severe punishments attached by this bill to every person convicted of giving or receiving those improper considerations, (the member elected was immediately to vacate his seat, and be subject to a penalty) he thought in a law so penal, the offence, at least, should be perfectly defined. He thought that as to giving money, that could be so easily brought to proof, that he had no objection to the clause as it originally stood; but as far as respected offices, for the reasons he had already given, he could not agree to it. He concluded by moving an amendment, which was in substance, that the words "or implied" should be left out in that part which related to giving offices.

Mr. *Tierney* could not perceive the necessity of the distinction between the giving money and the giving an office for the same object. If the clause were to be amended in the manner proposed by the right hon. gent. the public would suppose that the house was much more anxious to protect the power of giving offices for seats in parliament, than of giving money. At present the house were only sitting in committee to make the bill as unobjectionable as possible, and it was well understood that after it had gone through the committee, there would be a serious opposition to it upon the report. Now he, for his part, although very anxious that the bill should pass, would really not know how to defend it when it came under discussion, if this most important clause were altered in the manner proposed by the right hon. gent. It would seem as if the influence of the Treasury were to be protected at all events. He thought that the words used in another act of parliament, "for his own profit, benefit, promotion, or preferment," would do well enough in the present instance. He did not think the words "expressed or implied" were so necessary as they appeared to some gentlemen He should rather have them left out in both cases than applied to one, and not to the other.

The *Chancellor of the Exchequer* said, that he, on the contrary, would rather that they should be applied to both cases, and that the original clause should stand, than that those words should be entirely left out. He again called the attention of the committee to the very heavy punishments which this bill inflicted on the givers and receivers of money or offices; and for the reasons he had before given, had no objection to the penalties attaching where it could be proved that there was any specific agreement to give an office

for the purpose of obtaining a seat; but he thought it too much that a very severe penalty should attach on merely an implied contract. It was hard to say what slight circumstances might induce a jury to believe that a contract was implied, whenever an office was given to any person who was an elector. The giving money to an elector was, however, a very different thing; and the motive could not be so easily misunderstood.

Mr. *Tierney* expressed his astonishment that the right hon. gent. could suppose that a jury could imply any corrupt motive, where none existed, when it was so well known to be the duty of a jury to ascertain, by evidence, what was right and what was wrong. He was still satisfied there was no necessity for separating the provisions as to money from those as to offices.

The *Chancellor of the Exchequer* said, that the only person to be turned out of parliament was the person who had purchased the seat; he who had given it was liable to a penalty of 500*l.*

Mr. *Ponsonby* objected to the right hon. gent.'s proposition upon another principle; he objected to the distinction which it went to draw between an express and an implied contract, the effect of which would be to render the provisions of the bill a mere delusion. The right hon. gent.'s proposition denied any jurisdiction to a committee or a court of law, unless an actual express corrupt agreement could be proved; so that let the inference of such corruption be ever so strongly established, and the minds of the judge and jury ever so completely satisfied of the offence, it could not be punished. This he thought highly objectionable. With respect to the penalty of 4 or 500*l.* he did not think that the house would do its duty if it did not make the offence a misdemeanour.

The *Chancellor of the Exchequer* said, that the observation just made shewed him the necessity of the clause. It had been stated, that in consequence of his proposition, a jury would be obliged to acquit, unless evidence of an express contract or agreement could be adduced. This, he was of opinion, ought to be the case. It was actually necessary to make such a provision, unless they wished to prevent the giving of offices to relations or friends. Somebody should be appointed to office it is true, but then it would be inquired why was A. preferred to B.? and it would be difficult to explain that, unless by following up the qualification that led to the preference. It was to guard against charges of this nature that he had suggested his amendment.

Mr. *Tierney* said, that if they determined that an express agreement should be proved, no Treasury would be absurd enough to come to an express agreement; so that the evil would not be remedied. It was calculated to screen the Treasury. The right. hon. gentleman was willing to adopt the words, as applied to money; but he (Mr. T.) was desirous to extend them to offices also, as he did not see any reason for the exception.

Lord *H. Petty* said, that if one course was to be forbidden, and another permitted, they might depend upon it the course permitted would be the one adopted. Every one of the corrupt transactions that had been performed were without any express agreement, and they would still continue to be transacted in the same way. If a jury was not competent to decide upon a question of implication, what would become of the administration of law in the country? An implied agreement, he contended, was as capable of proof as an express one.

Mr. *C. Wynn* said, it was well known that many voters, though they received nothing for their actual votes, obtained five guineas for shaving the member, or some such act. He objected that there was no provision made for the punishment of a person who purchased a seat for another, without any emolument to himself.

Mr. *Davies Giddy* did not disapprove of the honourable and legitimate application of money to procure seats; but corruption he disapproved of as much as any man. If that species of influence was excluded, another would be substituted in its place, perhaps not more advantageous to the country. They who promised to take off taxes; they who resorted to large professions, and the arts of popular eloquence, would succeed, if the influence of property were destroyed. He had no hesitation in stating, in his place, that if the government was what many gentlemen contended for, in theory, it would be the most impracticable form that ever was attempted. If mankind were so formed as to be adapted to it, they would require no government at all. Without a system of influence, no government could exist. There was a distinction between public

and private questions, which rendered a jury far more competent to decide in the latter than in the former case. Their passions and prejudices were not called into action to the same degree. He concluded with inculcating the necessity of distinguishing between corruption and influence.

Sir *Thomas Turton* did not understand the meaning of an honourable and legitimate application of money to procure seats in parliament. With respect to the immediate question, he saw no inconvenience that could result from committing the question of implication to a jury. He thought there were too many words about the bill, and wished to see it include every description of undue influence.

Mr. *Adam* thought the bill in its original state better than at that moment. They ought to leave the operation of the law on the word "agreement," which was perfectly understood, whether tried by a Committee of that house or by a jury.

Mr. *Curwen* said, he would wish to leave out both the words "express" and "implied."

Sir *J. Anstruther* thought this clause was meeting an evil in the way in which it did not exist. If they added to the penalty by making it heavier, or by making it a forfeiture of the office, he thought it would do.

The *Chancellor of the Exchequer* said, that leaving out the words "express," or "implied," might relieve the debate on that clause; but he must insist on the word "express" being in the other clause respecting offices.

Mr. *Curwen* moved as an amendment, That the member proved guilty of corruptly procuring his election, should not only be disqualified from sitting in parliament for the particular place where the act was committed, but that he should be excluded from the whole of that parliament.

After a discussion of considerable length, in which the amendment was supported by Messrs. Tierney, Wynne, Whitbread, Lord Porchester, Mr. Lyttleton, Mr. Adam, Mr. W. Smith, and Lord H. Petty, and opposed by the Chancellor of the Exchequer, Mr. Hawkins Browne, the Solicitor General, and Mr. Abbot, a division took place. For the amendment 60; Against it 81; Majority 21.

On the clause respecting the Oath,

Mr. *Tierney* expressed his opinion that some oath was necessary, but objected to the original oath in the bill as being too abstract, and not going into detail. He then proposed an amendment, an oath, specifying more particularly the abjurations.

The *Chancellor of the Exchequer* contended that all the objections to which the former oath was liable, weighed equally against the one now proposed.

Mr. *Tierney* denied that this oath would be conscientiously taken by any one who had contracted for his seat.

Mr. *Ponsonby* defended the amended oath, and remarked that the Chancellor of the Exchequer, though he blamed all other oaths, proposed none of his own.

Mr. *Curwen* argued in favour of some oath, but still thought, even if the oath was left out, that by this measure a seed was sown, whose beneficial fruits would be extensive.

Mr. *Wilberforce* contended for the necessity of an oath, but did not wish one to be included in the bill, unless the penalties of perjury were attached to it.

Mr. *Tierney* had no objection that the penalties of perjury should be attached to the oath. The only reason why he did not introduce them was, that, in examining the statute book, he could not observe them included in any oath which went into detail.

Lord *Milton* supported the necessity of an oath, and the propriety of attaching penalties to it. He thought the amended oath proposed much less applicable than the original one.

Mr. Secretary *Canning* contended for the original oath; he denied that the amended oath could be taken by any member, because it made a man swear that he had not been returned by the expenditure of any sum of money; this was impossible, because legal expences might be included under it. He did not think the penalties of perjury should now, for the first time, be introduced into an oath of detail.

Mr. *Rose* asked what situation a member would be in, who, after he had taken the oath, should be declared to have been guilty of bribery by a committee of the house? Would not this go a great way to convict him of perjury?

Sir *T. Turton* said, that the people of England would think the person who could not take this oath guilty of bribery; and that the legal expenses between which and bribery the right hon. gent. (Mr. Canning) could not distinguish, were such as a man might be arrested for if he did not pay.

Mr. *Rose* said, that if the hon. baronet

were to open all the houses in the Borough, he might be arrested for the reckonings.

Sir *T. Turton* said he had never done so, and should not, although the right hon. gent. had set him the example (Hear, hear!).

The *Speaker* said, he had stated, when he was indulged with the hearing of the Committee on a former occasion, his wish for a proper oath, and his coincidence in the opinion of sir William Blackstone; but he, at the same time, stated, that the oath was not indispensable, and, if there was much diversity of opinion on the subject, it would be better not to insist upon it. It was of so much importance to obtain the recognition of the house to a bill with the principles of the present, that he should be sorry to lay this, or any other difficulty in the way that might endanger its passage through the house.

Mr. *H. Thornton* thought, that if the words "contrary to the meaning of this act," were inserted, and the penalties of perjury forborn, the objections to the oath would be removed.

Sir *T. Turton* begged to state an amendment he should propose when the present was disposed of, to the effect that the member had not, nor had any person for him purchased his seat.

Lord *Porchester* objected to any oath referential to an act of parliament.

The house was then cleared for a division; but no division took place, and the Committee reported progress, and asked leave to sit again the next day.

Adjourned at four o'clock on Wednesday morning.

HOUSE OF LORDS.

Wednesday, June 7.

[WAR TAXES EXTENSION BILL.] Upon the question for the third reading of the Bill for charging the Loan for the service of the year, and the amount of Exchequer Bills, funded in the present session of parliament, upon the Duties granted to his majesty during the War,

Lord Viscount *Sidmouth* rose to make some observations, which, from a regard to the convenience of others, he had reluctantly deferred till the present stage of the bill.—It had indeed, he said, been painful to him to refrain so long from expressing the feelings of astonishment and alarm with which he contemplated the enormous amount of our expenditure, and the delusive and improvident means by which it was to be defrayed. The amount, exceeding by about five millions that of the last year, and by more than nine millions that of the year 1807, far surpassed whatever the exaggerations of the timid, or the factious, had at any period foreboded; and the means of defraying it by taking one million from the war taxes for the purpose of supplying the interest of the loan, were directly at variance with the system of financial policy adopted by parliament at the renewal of the war, and most injurious in their tendency to the future prospects of the country.—The contest, in which we were engaged, was evidently one of indefinite duration. To this view of it, founded on the circumstances under which it took place, and on the boundless ambition, and known character of the ruler of France, he had endeavoured in the years 1803 and 1804, to adapt our expenditure, and the system by which it was to be provided for. The former, though complained of at the time, as being restricted within the limits of a too rigid œconomy, had nevertheless been found fully sufficient, not only for the purpose of complete domestic security, but for more extensive foreign conquests than had ever been made in the first year of any former war: and the latter, the objects of which were to prevent, by the operation of the sinking fund, combined with the imposition of war taxes to an unexampled amount, any considerable addition to the public debt, or permanent taxes, was carried into immediate effect by the firmness of parliament, seconded by the ardent zeal and fortitude of the people. The conviction had become universal, that the renewal of war was solely occasioned by the restless and insatiable ambition of the enemy, and accordingly the truth of what was said by Mr. Burke, that the pecuniary means of a country, which were accessible by taxation, consisted not merely of what it possessed, but of what it would consent to pay, was never more completely illustrated than at that memorable period. War taxes to the amount of upwards of twelve millions, were imposed by parliament with little, or no opposition in either house, and submitted to without complaint by the people; although an addition of near one hundred millions to the public debt, and of near five millions to the permanent taxes had been made in the year 1802, for the purposes of funding the sum, for which the income tax had been mortgaged, and of

winding up the arrears, of the war. That this system was eminently successful, was manifest from the fact, that, with a loan of ten millions only, the provision for the first year of the war proved not only adequate to its expenditure, but, as appeared from a resolution passed by the house of commons after he had quitted office, to be also sufficient, (supposing the war had then terminated,) to liquidate the whole of the funded and unfunded debt incurred during that year, and to leave a surplus of upwards of two millions to the disposal of parliament.——In the subsequent year (1804) the loan was for no more than ten millions: but as an increase of expence had taken place, he had proposed, and parliament had adopted, the measure, of adding one million to the war taxes; a measure directly opposite to that of the present year, by which, even under the pressure of increased expenditure, one million was to be withdrawn from that fund. The great object he had in view, was to arrive at the point where the sum borrowed, would be balanced by the sum to be redeemed in the same year; after which, if there was no additional expenditure, the public service would be carried on with a diminishing, instead of an encreasing debt. It was however at that time, and continued to be his decided opinion, that, if an addition to the expenditure became necessary, it ought to be provided for by an addition to the revenue, so that the great object of preventing a permanent accumulation of debt might be effectually accomplished. He acknowledged it to be also his opinion, that, when the sum borrowed could by the amount of war taxes, be brought within the limits of the sum redeemed, it would be warrantable and wise to leave the interest of the sum annually paid off to the disposal of parliament. This would nearly fix the limits of taxation during war, as no more would be required from that source, than the comparatively small charge, under the provisions of the Act of 1792, of one per cent. on the loan for the service of the year. Thus would the people find an immediate reward for their privations and sacrifices, in the accomplishment of the important object, of having enabled their country to maintain the great contest in which it was engaged, with a diminishing debt, and with little or no addition to the public burthens.

The arrival however at this splendid and impregnable situation of financial security, which he was firmly convinced might have been attained, had, to say the least, been unfortunately retarded by the great increase of expenditure, which took place after the period, to which he had particularly referred. The amount of the loan for the year 1805 was twenty millions, and the addition made at that time to the war taxes, consisted of $1\frac{1}{2}$ per cent. on the property tax, which addition was not taken at more than 1,140,000*l.* This provision was so inadequate to the increase of the expenditure, that the noble lords who succeeded to the offices of First Lord of the Treasury, and Chancellor of the Exchequer, in 1806, had the wisdom and fortitude to propose an immediate addition to the war taxes of near six millions; but, after having successfully laboured to reduce the public expenses, (and those who know the difference between prevention and retrenchment would not be surprised that the reduction was not greater, they found the amount still so large, and the pressure of taxes recently imposed so burthensome, as to afford them no hope of carrying into full effect the system, which had been adopted at the commencement of the war. The plan however to which they had recourse, appeared to be the best that circumstances would admit of, and it was marked by the decided approbation of parliament and the public. According to this plan the expenditure of each year, exclusive of subsidies, being estimated at thirty two millions, beyond the surplus of the consolidated fund, and the produce of the annual taxes, the war taxes, which were computed at twenty one millions, were to supply not only the interest, but a sinking fund, for the loan of each year, the capital of which would, at any probable price of stocks, be redeemed within fourteen years. Without entering further into the particulars of this plan, he would observe, that it contained principles of the utmost importance, of which the project of the present year was wholly destitute; he meant those of redemption, renovation, and permanency: that it was founded upon a correct view of the nature of the contest in which we were engaged, as it derived from the concurrent aid of the sinking fund, and the war taxes, the means of carrying it on for an indefinite period, upon the scale of expense that had been stated, without any permanent increase of debt, or any immediate addition to the permanent taxes, and with a comparatively small addition to them at a future period:

and that the conduct of those by whom it had been brought forward afforded a striking and creditable contrast to that of his majesty's present ministers, inasmuch as the former had considerably diminished the public expenditure, and increased the income, and the latter had diminished the income, and enormously increased the expenditure. He must also observe, that by the transfer of war taxes from their destined purpose to that of defraying the interest of the loan, the people were deluded into a disregard of a profuse expenditure by the appearance of being spared the pressure of additional burthens; whereas the effect of the transfer was to render those perpetual, which would otherwise have ceased with the war, and to create the necessity of borrowing an additional million, the interest of which must be provided for by fresh taxes. To parliament the measure could not be deemed respectful, inasmuch as, without an alledged necessity, it was a departure from a system which the legislature had deliberately sanctioned, and approved; to the country it was degrading, as it either called in question its means and resources, or the good sense, the spirit, and firmness of the people; but above all, it was most mischievous in its tendency, as it could not fail to animate the hopes, and encourage the perseverance of the enemy, to whom it would be obvious that such a spendthrift policy must necessarily tend to limit the duration of our exertions; and that, although our fleets and armies should be every where triumphant, all their victories might be ultimately unavailing, and compromise and submission rendered unavoidable, by the prodigality and improvidence of our government. This, he trusted, would never be our condition; but to avert such a state of calamity, and disgrace, it was necessary that the vigilance of parliament should be roused, and its authority exerted. Some of their lordships might not perhaps have fully ascertained the advantageous effects of that system, which was now for the first time invaded: they might not be aware, that the war taxes had not only occasioned the facilities in all money transactions, which the state of public credit (as far as it was benefited by the comparatively small amount of our loans) could not fail to produce, but that since the renewal of the war, they had, upon the lowest computation, prevented an addition of more than two hundred millions of debt, and of near ten millions of permanent taxes.—This was the system in which a breach had been improvidently made; he trusted it would be repaired; or at least that the attention of parliament and the public being awakened, this delusive, weak, and ruinous expedient would not be repeated. He wished not to check or discourage exertion: but he was anxious to see œconomy go hand in hand with vigour, and our income and expenditure brought as nearly as possible to a level with each other.—His lordship concluded by saying that in thus delivering his sentiments, he had discharged an indispensable duty not only to his country, but to himself; as his silence might have been misconstrued into an acquiescence in a measure, utterly inconsistent with a just view of our actual situation, and of the nature of the present contest, and directly adverse to opinions, which he had always entertained, and upon which he had constantly acted. If persisted in, it had an obvious tendency to lay us at the feet of the enemy; although, humanly speaking, the means and resources we possessed, were, if wisely applied, fully sufficient to frustrate all his projects for our destruction, and to conduct us through the struggle, not only with security to our independence, but with increased glory, and augmented power. To a measure of such a description he could not but express his decided, and unqualified dissent.

The Earl of *Liverpool* contended that the noble viscount was in error, in supposing that the annual expenditure during the probable continuance of the war could be limited to any definite sum. This, from the unavoidable fluctuation of circumstances and the varying price of all articles necessary to our numerous and diversified equipments, was actually impossible. He regretted as much as the noble viscount, the great increase of our expenditure, but it should be recollected that the shutting of the ports in the Baltic and the embargo in the American ports, must have necessarily increased the price of naval stores, and of all the various articles which were requisite for supplying our maritime forces. With respect to the mode of carrying on the war, by assisting those powers on the continent who were struggling against the common enemy, this was not the time for discussing that question. Circumstances had arisen which had necessarily increased the expenditure under that head; he alluded to the rising of the Spanish people; but in every point of view in which that object could be con-

sidered, whether with reference to the additional means afforded of combating the ruler of France, or to the considerations of public interest, national honour or liberal policy, he would say, that we were called upon by all those considerations, as well as by every principle of sound policy, to render assistance to that nation in their struggle against the oppression of France, and it would be a cheering consolation to the country that such assistance had been promptly and generously rendered, even though it should ultimately fail in its object. With respect to the actual amount of expenditure, it might be a question of policy as to whether we should carry on the war upon a certain definite scale, with a view to its long continuance, or whether we should carry it on for a short time upon a more enlarged scale, with a view to more immediate advantages. He would not now, however, consider this question, but proceed to consider the question more immediately under consideration—the subject of finance. The objections he had to the financial arrangements and plan of the noble lord opposite (lord Grenville), were, first, that they proceeded upon the assumption of a certain definite annual expenditure during the war, which was absolutely impossible; and secondly, that they amounted to a breach of faith towards the existing public creditor in the new sinking fund, which would be created, and by which a bonus would be given at a time when it was not wanted, whilst when it would be useful, it could not be forthcoming. The present ministers had acted upon the plan of the noble lord in the first year of their coming into office, he having previously pledged a certain portion of the war taxes for the interest of the then loan, and the extraordinary increase of the provision for the sinking fund. It was known to be a part of that plan, that in consequence of raising the war taxes to the amount to which they were then brought, no new taxes should be imposed for three years. In the last year there was no necessity for resorting to new taxes, with some trifling exceptions, the falling in of the annuities and other sources of augmented revenue having furnished nearly sufficient means for defraying the interest of the loan and the one per cent for a sinking fund upon the stock created. In the present year ministers had resorted to the mode now proposed of pledging 1,000,000*l.* of the war taxes to defray the interest of the loan; but he wished it to be distinctly understood that this was not part of a system to be permanently acted upon, and that the subject remained completely open for future consideration. If the plan of the noble lord (Grenville) had been acted upon during the three years, there would now have been 3,600,000*l.* of the war taxes pledged for the interest and sinking funds of the loans of those three years. By the system under which the present ministers had acted there would be pledged, if the present bill should be passed, a sum of 2,200,000*l.* of the war taxes. There was, therefore, this difference between their system and the plan of the noble lord, that by the latter one million four hundred thousand pounds more of the war taxes would be appropriated to the payment of interest and sinking funds upon the last three years Loans than by the former. There was not, it was true, any sinking fund created in the present instance; but that might be done hereafter, if it should be thought necessary; and, at all events, the whole subject was open for the consideration and decision of parliament.

Lord *Grenville* said, he felt it an irksome task, upon the present occasion, to call their lordships' attention to this subject of finance at this very late period of the session, when the attendance was so thin, and when he had to address nearly empty benches. Ministers seemed determined, that their lordships should scarcely have an opportunity of discussing this bill, by taking care to bring it up to that house at a period when a full attendance could scarcely be expected; they did not even condescend to state its object, and thus it was, that a bill for imposing taxes in perpetuity upon the country, to the amount of a million a year, had hitherto passed through the greater part of its stages unnoticed, and almost unknown, and he even doubted whether many who heard him were at all aware, or had even a suspicion, that the object of the bill was to impose taxes to the amount of a million a year in perpetuity upon the country. The noble earl (Liverpool), in contending that the annual expense of the war could not be definitely fixed at any limited sum, had contended for that, which nobody could doubt. Every one must be aware that the sum could not be precisely limited within the bounds of any previous calculation; but here was an increase of expenditure, in the course of two years, to the amount of 9,000,000*l.*; and yet, notwithstanding this enormous increase, a general apathy seem-

ed to prevail in the public mind upon the subject. The people, wholly indifferent to this most important consideration, were occupied in discussing minute points, with respect to which it was impossible that from any practicable modification any material alleviation of their burthens could arise, and those were only deluding them who endeavoured to persuade them that such would be the result. The enormous increase of 9,000,000*l.* in the public expenditure, and that in the short space of two years, was surely a subject of no ordinary importance, and demanded the most serious investigation. The noble earl had declined going into the discussion of those political measures from whence this enormous increase of expense had arisen; but surely it was not enough to say, that this augmentation of expenditure had taken place in consequence of these measures, and that therefore it was unnecessary to inquire into it; that the expense had been incurred, and therefore it was needless to go into the discussion of the political measures which occasioned it. Some substantial reason ought to be given to their lordships and the public for so enormous an increase of expense. Looking to the situation and the resources of the county, it must be at once evident that the greatest error, where all was error, was this enormous increase of the expenditure of the country, and this at a time when it was more than ever necessary that we should husband and economize our resources. The noble earl had objected to the financial plan of the late administration, that it assumed a definite annual expenditure, which it was impossible to keep within; but it surely must be evident to every one, that some definite sum must be taken, in order to found upon it any precise detailed calculation. It might not have been practicable to keep down the annual expenditure to 32 or 33,000,000*l.*, stated in that plan, though he thought much might have been done towards the attainment of that object; but the great advantage of that system would have been, that the excess of expenditure above that sum being to be provided for by immediate taxes, parliament and the country would have been fully aware of the increase of the expenditure by the proposed increase of taxes, and a salutary inquiry into the cause of that increase would have been the necessary result. On the contrary, under the plan of the present ministers, the people were to be deluded with the shew of imposing no taxes, whilst the enormous increase of expenditure was kept out of sight, and a permanent burden was imposed, which tended to the ruin and destruction of our resources. The noble earl had stated, that under the plan of the late administration 3,600,000*l.* would now have been mortgaged, and that under the present plan 2,200,000*l.* only were mortgaged; but mark the difference, by the former there would only have been an annuity for fourteen years with the improved operation of the sinking fund created, whilst by the present plan a burden of 1,000,000*l.* a year was imposed for ever upon the country. The present ministers had no sooner come into office, than they set about deranging this plan of their predecessors. It was true that it was partly adhered to in the first year; but with this marked difference, that the property tax was included in the pledge, which it was the object of the late ministers to exclude. By the plan of the late administration, the war, as stated by his noble friend (lord Sidmouth,) might have been carried on indefinitely. The enemy aiming at nothing short of our destruction, had adopted two modes of attempting that object, which he sometimes pursued united, sometimes separately; the one was direct attempts upon the country, the other endeavouring to wear us out by protracted hostility and thereby exhaust our resources. To repel the former, we must rely upon the valour and discipline of our navy and army, to the spirit and bravery of the people. To meet the latter, it became necessary to adopt some permanent plan which should place our resources beyond the peril of being thus exhausted by the artifices or obstinacy of the enemy. It was with this view that the plan of the late administration was formed, under which each portion of the war taxes, after paying off in fourteen years the sums charged upon it, would have been released from all incumbrance, and again applicable to the public service for a similar purpose; and thus we might have been enabled to maintain the dreadful contest in which we were engaged indefinitely, and convince the enemy, that he could have no hope in continuing the war of being enabled either to exhaust our means, or to render us more accessible to his power by any perseverance in his designs against our finances. But what must be the consequence if the plan of the present ministers were persevered in? by pledging one

million a year in perpetuity, it must be evident to every one, it must immediately be evident to the enemy, that at the end of a certain definite period our resources must be utterly exhausted ; for when the war taxes should be in this way all mortgaged in perpetuity, to what resource could the noble earl then resort to carry on the war, or to support the credit of the country ? He was, however, glad to hear from the noble earl, that this arrangement of the present year was not intended as part of a system that was to be permanently acted upon ; and he was anxious to hear what was the system which ministers had in their contemplation; but, in truth, there appeared to him to be no system at all contemplated by them either in their financial or their political measures. The maxim of the noble earl seemed to be "sufficient for the day is the evil thereof;" and all that was looked for was to provide for the pressing occasion and to satisfy the exigency of the moment. The noble earl, when he had proposed this measure, was evidently at the end of his finance, and looked no further than next year, when a new supply must be raised and a different experiment resorted to. He was surprized to hear from the noble earl, at a distance of two years, that the plan of the late administration would have operated as a breach of faith towards any description of persons, still less to the public creditors. No persons were more alive to their interest, and justly so, than the public creditors, and yet from those gentlemen no complaint of this nature was heard when the arrangements of the late administration were brought forward. So far from it, that at the time of negociating the loan, after this plan was brought forward, when he (lord Grenville) was in office, one of the gentlemen who had contracted for it told him that the advantageous terms then obtained for the public were to be solely ascribed to the salutary operation of that plan. Upon what terms could the present ministers expect to borrow, if the war taxes were to be mortgaged in perpetuity ?—a measure so pregnant with danger and injury to public credit. He could not quit this subject without again deprecating and condemning those measures which had been the principal cause of the late enormous increase of our expenditure.—He was thoroughly convinced that no possible advantage could be derived from continuing to keep up a British force in Spain. A system of utter delusion had been practised with respect to the state of affairs in that country, where there appeared no hope of maintaining an advantageous contest, or prosecuting the war with any prospect of a successful issue. To carry on a land war on the continent was the greatest impolicy of which we could be guilty, and in direct opposition to the only system of policy to which we ought to resort—to that of husbanding our present resources in order to secure the means of our ultimate defence. His lordship proceeded to ask what we had gained by this increased expenditure, and by the addition thus made to our debt ? We had gained the convention of Cintra, the retreat of Salamanca, the loss of our brave officers, and the dispersion of our army, as an army.—What, on the other hand, had we lost ? We had considerably lost in having an increase to our debt of 9,000,000*l.* and an annual burden of 1,000,000*l.* additional imposed on the people of this country. The burthens altogether to which not the higher nor the lower, but the middling class of the community of this country had of late years submitted to, were inconceivable. He was one of those who, far from countenancing or supporting, highly reprobated and disapproved of the practices resorted to in order to excite clamour and disaffection ; but at the same time he must caution ministers not to refuse their attention to the voice of the well-affected, and the unaffected expression of the sentiments of the nation. He could not forbear from expressing his surprise that a most unqualified attack should have been made upon the proposition made by him (lord Grenville) while in office, by the noble secretary, who now himself proposed to carry through a measure which went so far, he must add, extremely beyond what he (lord Grenville) had ever had in contemplation. He requested of the house to bear in mind the opposition which the noble lord opposite, and those who acted with him, had shewn to the proposition which he had formerly submitted, and to compare that proposition with the present measure. The present, he contended, was a measure which had uniformly been discountenanced by Mr. Pitt, by his noble friend (lord Sidmouth,) and by the administration of which himself formed a part. The plan which he had in view would have affected part of the war taxes, at the very most only for

fourteen years, though, in his mind, for a far shorter period; the present measure went to affect them permanently. It had gone abroad in the country, that he approved of the present measure, and this he wished most explicitly to deny. He esteemed the present the most destructive financial measure which could be adopted. His plan, he begged to remind their lordships, also went to provide an immediate and permanent peace establishment, whereas in the present plan no such thing was thought of.

Lord *Harrowby* supported the bill. He maintained that it must be attended both with immediate and future advantage. It was attended with good at the moment, in as much as it prepared the people to pay the taxes with which they were at present burthened. It must be attended with advantages in future, by affording ministers an opportunity of judging of the best means of making the existing taxes most effectual.

Lord *Grenville* explained. He declared his opinion that the system which in the present state of affairs we should adopt, was one of husbanding our means and providing for eventual defence. We had nothing to do with sending an army to the continent. That he might not be misunderstood, he expressly stated that our government ought not to have sent an army to Spain. Such had always been his opinion. The noble lord asked, why did he not tell this sooner? He did on the first day of the present session explain these to be his sentiments, and complain that ministers by not consulting parliament on the subject during the last session, had not afforded him an earlier opportunity of stating what his opinion was. If the inhabitants of Spain could not defend themselves, in his judgment any army we could send into the peninsula would be of no avail. All that we had a right to do was to provide them, as far as was in our power, with arms, clothes, and ammunition. He begged also to state, as a proof of the increase of our expenditure, that the single article of transports had increased from one million and a half to three millions.

The earl of Liverpool, lord Sidmouth, and lord Grenville again explained; after which, the bill was read a third time and passed.

HOUSE OF COMMONS.

Wednesday, June 7.

[VOTE OF CREDIT BILL.]—On the order for the third reading of the Vote of Credit Bill,

Sir *T. Turton* took the opportunity of taking a view of our relations with the powers on the continent, and doubted the propriety of assisting Austria with money; he objected, at all events, to our binding ourselves to discharge the bills already drawn by that power upon us, without any authority. With respect to Spain he thought ministers should take care we had good security for any loan we might advance her; and adopt the most effectual steps for guarding her fleets at Cadiz, and elsewhere, from falling into the hands of Buonaparté. He hoped at all events, that ministers would be able to give an account to the country of so large a vote of credit, as was now about to be trusted to their disposal.

General *Tarleton* said, his duty impelled him to come forward on the present occasion to offer that advice to ministers, in public, which he had suggested to them in private, but which had not been attended to. He had intended to advert more particularly to the affairs of Austria, but the recent news from that quarter had struck him with so unexpected a degree of satisfaction, that he should in some measure abstain from his intention. Certainly that power either knew, or ought to have known, the strength and situation of Buonaparté, previous to her entering into the present contest; and yet we saw him collecting an army on the Rhine, with as much facility as if he were not engaged, either personally, or with his force, in Spain; but when he found the French penetrate to Vienna, almost without resistance, he began to despair, and felt inclined to be parsimonious in the pecuniary assistance to be afforded to the Austrians. Since, however, his coming into the house, he had seen the French bulletin, and he found reason to hope a reverse had taken place in the hitherto unchecked career of victory. Whether the bridges on the Danube had been broken down by design or accident, signified nothing; for when the French were compelled to retreat, his hopes began to revive. Under these circumstances, he did think that some money, though that sum should not be very large, should be risked in the support of the Austrian cause. The hon. general next

adverted to the state of Spain and Portugal, and pointed out the unfortunate consequences of the Convention. He also dwelt upon the conduct of Mr. Frere, whose advice had brought about the unfortunate retreat to Corunna, instead of a retreat to Lisbon, which was so much preferable, and which had been intended by the lamented sir John Moore. But ministers had sent another army to the Peninsula, and what was the prospect? The enthusiasm of the Spaniards was not so great as at first, and since they were unable before to drive the enemy, consisting of 80,000 men, from behind the Ebro, what hope was there that they would now be able to expel from their territories an army of nearly 100,000 men? It seemed the most hopeless plan that could be imagined, to send men to the Peninsula at present. He severely condemned the great noise made about the three skirmishes of sir Arthur Wellesley, which would give occasion to the people of the continent to say, that we were the animal in the lion's skin—and that the noble lord was the daw in borrowed feathers—(Lord Castlereagh was in the full uniform of his militia regiment.) He blamed the mode of operations adopted at present in the Peninsula, and contended that the only chance of our doing any thing effectual was, to adopt a defensive plan till circumstances should arise to enable us to act offensively with a better prospect of success. He blamed the appointment of marquis Wellesley to Spain, and said that it would have been better to send lord W. Bentinck to the Junta, and send the marquis to Prince Charles, where he could do no harm. He concluded by recommending the greatest economy in the expenditure of the public money.

Mr. *Curwen* observed, that if the news of the check received by the French armies in Austria were well-founded, ministers ought not to be niggardly in their assistance in money to Austria; and if the case should require it he would recommend it to ministers, instead of three millions to take six millions. This was the first reverse that Buonaparté had met with; and if it was of the extent reported, it would be incumbent on ministers to adopt a bolder policy, and make common cause with Austria, where the battle for Spain and Portugal must in fact be fought.

Lord *Castlereagh* observed, that it was the duty of ministers neither to be elevated by temporary success, nor depressed by the casual disasters to which war was subject, but to administer the resources committed to their charge in the best manner for the country and the world. The hon. general had taken an unfair view of the transactions in Portugal, which he affirmed, under all the circumstances, to have been very brilliant, though he had never described them as general battles. Since the army was under the command of sir A. Wellesley, he thought the advice of the hon. general might have been spared, as every thing that zeal and knowledge could effect would be done. As to the success mentioned in the news of the day, he was always unwilling to raise too sanguine expectations in the country, as well as to prevent its being depressed in adversity.

Mr. *Herbert* (of Kerry) approved of the declaration of government, that they would not abandon Spain as long as it would be true to itself.

The bill was then passed.

[POOR CLERGY.] The house resolved itself into a committee of the whole house, to consider further of a Supply to be granted to his majesty.

The *Chancellor of the Exchequer* called the attention of the committee to the subject of the Smaller Livings in England, the increase of which was the object of queen Anne's Bounty. He had himself given the matter much consideration; and from the pains taken, he was in hopes he should have been enabled to have brought the matter fully under their consideration in the course of this present session; but though the returns were as yet but imperfect, those from four dioceses not having been made, yet he thought no time should be lost, as they approached to the end of a session, of doing something, by way of pledge that the business would be ultimately reduced to a system. By the returns already made, imperfect as they were, it appeared, that by the regular application of queen Anne's Bounty, it would take forty years to come, to make the smaller livings up to 50*l.* a-year; that it would take three times that period, or 120 years, to make them up 100*l.* a-year, and so on in a greater proportion. He considered it wise, therefore, to take a step towards accomplishing the first degree, by proposing to the house, to vote the sum of 100,000*l.* to be paid to the governors of queen Anne's Bounty, to be laid out in the same manner as that fund. Supposing the house to pursue that system yearly, without any increase, they would attain the first object, namely, the increase

of small livings of 50*l.* a-year, in the short space of four years. He declared his intention of not confining the measure to England, but intended, on a future day, to move an address to his majesty for a statement of the Poor Livings in Scotland and Ireland, for the purpose of extending similar relief. He concluded with moving "That a sum not exceeding 100,000*l.* be granted to his majesty, to enable his majesty to pay the same to the Governors of the Bounty of queen Anne, for the augmentation of the maintenance of the Poor Clergy, to be by them applied in the increase of the maintenance of the Poor Clergy, according to the rules and regulations by which the Funds of that Corporation are governed; and that the said sum be issued and paid without any fee or other deduction whatsoever."

Lord *Milton* did not object to this resolution, but observed, that a part of queen Anne's Bounty had been applied to other than purposes strictly clerical. He also remarked that a great many of the small livings were in the possession of rich pluralists, who could have no need of the augmentation.

Mr. *Wilberforce* expressed in strong terms his approbation of the measure, and observed, that it was highly honourable in his right hon. friend to have attended to this subject, amidst such a variety of avocations. Many of the inferior clergy suffered the most extreme hardships, and the vote was equally gratifying to the feelings and to the judgment. He then adverted to the scandalous fact that in many places, particularly in the large towns, the poorer classes had not the means of attending public worship. Some remedy ought to be applied, and for this purpose, he thought the building of churches ought to be facilitated. The expense and other circumstances formed at present very powerful obstacles.

Lord *H. Petty* concurred in the object of assisting the parochial clergy, and looked with satisfaction to what had been done by a bill which he himself had some time ago brought in for relieving the small livings from the land tax. He wished that a plan could be devised to confine the relief to such small livings as were not possessed by rich pluralists. He also suggested the propriety of making queen Anne's Bounty effective in Ireland.

Mr. *Curwen* approved of the measure, and concurred in what had fallen from the hon. gent. near him respecting the want of accommodation in churches for the poorer classes. He thought some attention ought to be paid to the condition of schoolmasters, and referred to the northern parts of the island, as an instance of the advantages of educating the poor.

After some observations from sir J. Newport, Mr. D. Browne, Mr. Parnell, Mr. Thompson, Mr. Babington, and Mr. Carew,

The *Chancellor of the Exchequer* rose, and expressed his satisfaction at the reception which the proposition met with. It was not at present proposed to form a system. The suggestions for improvement would be afterwards considered. He stated that the present grant, if continued, would in four years raise the value of the lowest livings to 50*l.* a-year.

The resolution was unanimously agreed to.

[DR. CARTWRIGHT.] The *Chancellor of the Exchequer* then stated to the committee, that the next grant he had to propose, was, a remuneration to the reverend Dr. Cartwright, for his valuable invention of machinery for weaving of cotton and combing of wool. This he did, in consequence of a memorial that had been presented to him, signed by about 30 manufacturers, who had witnessed the benefit of the machine. This memorial stated, that that reverend gentleman had expended a large fortune in carrying the invention into practice; that in the year 1788, he had obtained a patent, but that in 1792, popular prejudice was so greatly against it, that his machinery was destroyed by the mob, and before he could get another mill erected, his patent expired, by which he lost the whole benefit arising from his labours, after having expended between 30,000*l.* and 40,000*l.* It was an invention which had been found most useful in the manufacture of sail-cloth for the service of the navy, and extremely beneficial in the weaving of cotton; and for which not only the manufacturers, but the country in general, must feel themselves ever indebted to Dr. Cartwright. As the ingenious inventor had evidently derived no advantage from the discovery, which, on the contrary, had tended to his ruin, he should propose to the Committee, That a sum, not exceeding 10,000*l.* be granted to his majesty, to be paid to Edmund Cartwright, clerk, doctor in divinity, in compensation for the great expence he has incurred in the discovery and application of various mechanical inventions to

the process of Weaving, by which he has rendered essential services to the manufactures of this country; and that the said sum be issued and paid without any fee or other deduction whatsoever."

Mr. *W. Smith* said, he thought such a grant, should not pass without some observations of approval. He thought every case should stand upon its own footing and foundation. Although he had no personal acquaintance with Dr. Cartwright, he believed, from what he had heard of him, that, as far as ingenuity and integrity went, there was no individual more entitled to the bounty of the kingdom. He had witnessed, for many years, his perseverance for the good of the public, and lamented the undeserved return he had met with from that popular prejudice which had prevented him deriving any benefit from his invention. He was, therefore, glad to find that public favour was now about to be so rightly and justly bestowed in counteracting the effects of ignorance and prejudice. The vote proposed had his perfect concurrence.

This vote was then put and agreed to.

[SEAMEN'S WAGES BILL.] On the motion for the third reading of this bill,

Sir *C. Pole* rose and said:—Sir, the house having decided that the clauses, which relate to the allotting of petty officers and seamen's pay, should stand as part of this bill, it is my duty to bow to their decision; but it is not less my duty to endeavour by every means in my power, to render this allotment as little prejudicial to the service, and as little unjust and onerous to the petty officer and seaman as possible. It is with that hope that I present a clause, by way of rider to this bill. —Sir, as the bill now stands, no person allotting his pay under it, can, if he should marry, make any allowance or provision whatever for his wife. This is cruel and unjust, and will tend to encourage desertion; as a man must either desert or be discharged, sick, to the hospital to get rid of his present allotment. The clause I have to offer is to enable him to revoke his allotment, when he should see occasion; this will render the evil less, but it doth not do away the objection of increasing the labour and responsibility of the captain or commander of his majesty's ships. This bill, unlike most others which relate to the navy, imposes severe fines and penalties independant of the articles of war or naval instructions, it augments the already too much loaded accounts of the captain, it increases his risk and responsibility, and in my humble opinion it encourages and strengthens every claim, which that class of officers may offer for increased pay or other remunerations,

The Bill was then passed.

[MR. CURWEN'S REFORM BILL.] The house having gone into a committee on this bill, and several clauses having been negatived without any observation.

The *Chancellor of the Exchequer* proposed a clause, providing that nothing in the bill should extend to any legal and *bona fide* sale of lands, tenements, or hereditaments. The clause being brought up, and read a first time,

Mr. *W. Smith* objected to it, and contended, that to any stranger it would appear to have no connection with the object of the bill; and that such a person would be apt to imagine either that he had mistaken the title of the bill, or that it had crept accidentally into the bill; the object, however, of the clause, though apparently irrelevant, was sufficiently obvious. He concluded by moving as an amendment, which he would beg leave to propose in the form of a separate clause, That whereas by the 40th of the king, in the Irish parliament, commissioners had been appointed for the purpose of recompensing the claims of the proprietors of places, ceasing to return persons to serve in parliament; and that it was probable that similar claims may be hereafter made to the imperial parliament in case of the abolition of boroughs; be it therefore enacted, That no such claims shall be admitted, unless the person or persons claiming shall swear they have not, directly or indirectly, been guilty of bribery or corruption.

The *Chancellor of the Exchequer* objected to the clause, and thought it more inapplicable with regard to the object of the bill than the former clause to which the hon. gent. had so strongly objected. That clause had a more general application than the one proposed by the hon. gent., which applied chiefly, if not solely, to burgage tenures. He thought it would be advisable to defer any discussion or proposition with respect to those burgage tenures until the question affecting the principle of those burgage tenures was fairly before the house.

Mr. *Tierney* said, that the right hon. gent. seemed to be of opinion that he had a right to challenge those who objected to the wording or nature of the clause to sub-

stitute in its place something better. Now, however it might be thought reasonable that those who objected should also amend, still he was of opinion with many honest country gentlemen who looked with laudable jealousy to the proceedings within that house, that it was in such cases the duty of himself and others, to object, while he left it to those who pressed what was thought objectionable, to prove to the committee that it was not so. He said this much to shew, that the objecting to any proposition in that house did not necessarily call upon the person objecting to remedy the evil of which he complained, because many an honest sound judging man might see gross errors in any measure proposed, without being able at the moment to apply the remedy.

After some further observations from the Attorney-General, sir John Anstruther, lords Porchester and Milton, the clause originally proposed by the Chancellor of the Exchequer was agreed to without a division.

The Chancellor of the Exchequer brought up his clause for levying certain penalties on the person procuring his return by any express covenant to give offices.

Lord *H. Petty* stated his objection to the clause as now read. He contended, that in place of remedying corruption it went to concentrate it. It would give the whole management of that species of influence to the Treasury. Now, next to putting a stop to the principle and practice of corruption, the next wise thing was to have it as diffuse and general as possible. Upon the construction of this clause would depend whether he should support or oppose the bill, convinced that at all times it was better not to legislate than to pass provisions which it was intended not to make efficient. He concluded with moving, as an amendment, that the word "express" be left out.

The *Chancellor of the Exchequer* did not suppose that, after the discussion of last night, any new light could be thrown upon it. It did not however appear, that if it should be left open to imply an agreement, juries would always presume that the grant of the office was in consequence of the vote given.

Sir *John Anstruther* considered the attack of the Chancellor of the Exchequer upon the juries of this country the greatest libel he had ever heard uttered, when he said that juries were not to be entrusted with the character of men in public situations. Where was the express agreement in the measure which gave origin to this bill? There was certainly a transfer of patronage in that case intended, although no express engagement appeared on the face of any instrument. Was it intended to realize every artifice which led to the same effect, and only inflict penalties upon the bungler?

Mr. *Lyttleton* stated, that if the word 'express' was continued, the very principle of the bill was altered. If it should be continued, he felt it was his duty to vote against the bill itself.

The *Speaker* stated his wish on the first view to extend the provisions of this bill to the purchase of seats in parliament, as well by office as by money. The great rule was to strike at the prominent and most flagrant points of offence. Amongst those, most certainly, was the proof of an express contract. These he would state, always impressed him with the conviction, that this species of traffic, whether carried on by implied or express covenants, was an offence against the law of parliament, and in his opinion punishable as a misdemeanor at common law. It was fully within the power of the house to provide any future enactments against any future offences, which in the course of the operation of this measure might subsequently arise.

Mr. *Ponsonby*, with considerable diffidence in his own opinion, when opposed to the very high authority of the Speaker, still contended that the insertion of the term 'express' in a declaratory act of parliament conveyed the interpretation, that the penalty attached to express agreements, and that all of an indirect or implied nature, came not within its operation.

The *Speaker* considered that the Resolutions of that house in 1779 bore fully upon a traffic carried on by an implied contract, and therefore he saw no reason to oppose the proposed clause as now worded.

Mr. *Ponsonby* considered the Resolutions of 1779 not efficacious to redress an evil which all admitted to exist, at which the house itself connived and of which, with the circumstances known to all members, they would have been even greater hypocrites than Mr. John Bowles, when he wrote his books, to affect an ignorance.

Mr. *Tierney* declared, that since he had first the honour of a seat in that house, he never heard a speech with greater pleasure than that of the right hon. the Speaker, whose authority stood so deservedly high in that house. He did think that the house

after that speech would have felt it its duty to take up the present measure with sincerity and zeal. That zeal and sincerity the ministers had evinced, by setting themselves in opposition to every wholesome provision of the bill. Upon a question which ought to be considered without any reference to party feelings; the government of the country had exerted a most successful hostility. Upon them rested the responsibility of that disappointment which the country must feel. —By their conduct, they would in the ensuing summer, bring the character of that house before the tribunal of public meetings, in a manner which all disposed to venerate the character and support the dignity of parliament must regret. He declared, that if the clause now proposed remained so worded, he should be obliged to vote entirely against the bill.

The *Chancellor of the Exchequer* appealed to the honourable proposer of the bill (Mr. Curwen) whether he felt that ministers had endeavoured to defeat the object of the measure?

Mr. *Curwen*, without imputing any such intentions to government, still regretted that the most material points were negatived, and that the disposition of the house was not friendly to the principle of the measure. He conjured the government, in place of anticipating guards for themselves, to yield to the opinion of the country; and not suffer it to think, that where its influence was to be affected there was nothing done.

Mr. Bankes and sir S. Romilly both argued, that the insertion of the term wholly vitiated and defeated the object of the proposed remedy. It was stated by the latter, that in no other legislative enactment such a term as "express" could be found.

The *Attorney General* vindicated the conduct of his right hon. friend, during the progress of this bill, and gave his support to the clause as it then stood.

Mr. *Adam* spoke in favour of the amendment, which he thought necessary, to guard against impunity to those who gave or accepted bribes after election. He had several clauses to propose, which he should postpone bringing forward until the third reading. As to the grant of offices, the fact was, that the generality of the close boroughs were corrupted by such grants, and therefore it was the more necessary to make a provision upon this subject.

Mr. *Wortley Stuart* thought any member would be liable to vacate his seat who should happen to procure a place for any man who voted in his favour, if the word "express" were omitted, and therefore he would oppose the amendment.

A division took place, and the numbers were:

For the Amendment - - - - - -	43
Against it - - - - - - - - - - -	78
Majority - - - - - - - - -	—35

The remaining clauses of the bill were gone through and agreed to, and the report was ordered to be received on Friday.

HOUSE OF COMMONS.

Thursday, June 8.

[PETITION OF THE REV. THOMAS HUMPHRIES.] Mr. *Whitbread* presented a Petition from the Rev. Thomas Humphries, clerk, perpetual curate of the churches of All Saints in Sawley, otherwise Sallow, of St. Lawrence in Long Eaton, and of St. Chad in Wilne, in the parishes of Sawley and Wilne, in the county of Derby, setting forth, "That the advowson and impropriation of Sawley, otherwise Sallow, Long Eaton, and Wilne, is part of the very valuable endowment of the prebend of Sawley, founded in the cathedral church of Litchfield, the benefit of which prebend is extended also into the adjoining parish of Risley, but neither the cure of the chapel of Risley nor of the chapel of Breason, now annexed to Risley, though part of the parish of Sawley, is any burthen to the prebendary; and stating the great increase in value of the said prebend which has taken place of late years, particularly in consequence of an inclosure of the common fields in the manor of Draycot, in the parish of Wilne, and which amounts to an estate in lands and tithes of the clear annual value of 2,400*l.* at least; and that the cure of the petitioner is four miles in length, and about sixteen miles in circumference, and the three churches are about two miles distant from each other; the required service of the churches on Sundays is once every Sunday morning at Sawley (where the petitioner resides), once every fourth Sunday in the month at Long Eaton, and once every Sunday evening (except the fourth Sunday in the month) at Wilne, besides the other usual duties; and that the petitioner was in 1785 appointed to the said perpetual curacy, with the stipend of 40*l.*, to which may be added a yearly sum, never exceeding 10*l.* for Easter offerings and surplice

fees, and a yearly sum of 5*l.* from Breason, as an ancient acknowledgment to the mother church of Sawley, making an income of 55*l.* a-year, which has of late years been reduced by the lessee deducting 4*l.* a-year for property tax; and that the petitioner found the curate's house in a very dilapidated state, therefore repaired three of the rooms, and has since made occasional amendments, to the extent and beyond what his stipend would allow, though the house is now positively in ruins and dangerous to inhabit, but his means did not extend to upholding the barn and stable; and that the petitioner entertained hopes that after 24 years service his situation would be ameliorated in proportion to the wealth which the reverend prebendary had himself attained, but the proposed augmentation of his stipend to 70*l.* a-year is not a compensation for the labour of the petitioner, and bears no just proportion either to the profits of the ecclesiastical patron, or to the duties of the cure, much less will it enable the petitioner in any manner to perform or even to provide for the common duties of his cure when the infirmities of old age shall come upon him; and therefore praying, that the house will grant him such relief in the premises as to them shall seem meet."

The petition was read and ordered to lie upon the table.

[PRESIDENT OF THE BOARD OF CONTROUL.] Mr. *Creevey* rose to bring forward his promised resolution respecting the appropriation of a sum of 9,000*l.* for the purchase of an official residence for the President of the Board of Controul, in the vicinity of the house of commons; a grant at which he felt much astonishment, as he did not conceive such residence at all necessary to be provided at the public expense for the person filling that department, more especially as an ample salary for the president, two commissioners, and a secretary, was settled by act of parliament in the year 1793. He found that this grant was made in consequence of a letter written in 1807, by the right hon. gent., who now filled that situation, to the duke of Portland, as first lord of the Treasury, stating that it would be expedient to provide such a residence for him in Downing-street. In reading the answer written by by Mr. Huskisson to this letter, he was not surprized at the shyness at first manifested by the lords of the Treasury to comply with the application. He could see no necessity whatever for putting the public to such a heavy expense for an officer who had so little to do in his official capacity with the house of commons, and so little business to transact at the west-end of the town. There was, indeed, a real necessity that the Chancellor of the Exchequer, who had so much to do with the house of commons and the Treasury, should have a contiguous and official residence; but the Secretaries of State had no such residence provided, and much less could it be necessary or allowable in this case, particularly at the west end of the town, while in fact, the whole of the official business of the president of the controul lay at the India-house, and if such a residence was deemed necessary, it should have been in Leadenhall-street, where the purchase would have been much cheaper. While the father (lord Melville) of the right hon. gent. filled the situation, there was an India budget once a year; but since the accession of the right hon. gent. to the office, not a single budget had been brought forward; and therefore he could not see even the shadow of an argument for such an appropriation, unless it was in the argument offered by the Chancellor of the Exchequer, that the salary of 2,000*l.* a year was not adequate to the duties of the situation. He was ready to admit this fact; the act of parliament for appropriating the 5,000*l.* as before mentioned, empowered his majesty to make a greater allowance from that fund, which might be fairly done, inasmuch as nearly the whole duty devolved upon the president, and the two commissioners and the secretary had little or nothing to do, and 1,500*l.* each was too much for them. If, however, the allowance was to be increased, it should be done directly and fairly, by act of parliament, and not indirectly and illegally, by the purchase of an official residence. Besides, it was well known that the appointment was not considered in itself as a place of adequate emolument, but rather as a step to one of greater profit, and so it appeared in the case of the right hon. gentleman. This system originated in the family of the right hon. gent., and no such demand was ever made before the accession of lord Melville. The Company had indeed agreed, after some discussion, to comply with the desire of the noble lord, and purchase for him this very house in Downing-street, in 1800; but before the place could be fitted for his occupation, by Mr. Holland, the noble lord was removed from

the office, but obtained a pension of 2,000*l.* a year for life, from the Company. This, with other accommodations was, given to the noble lord's family from the public, amounting to 10,500*l.* in sinecure places, might, one would think, have satisfied all their reasonable expectations. Neither lord Dartmouth nor lord Castlereagh, nor any successor of the noble lord, had ever claimed an official residence, until the right hon. gent. was appointed to the office, when he, notwithstanding the grant of a pension of 2,000*l.* a year to his father, revived the claim.—Mr. Creevey contended, that the grant made in consequence by the lords of the Treasury was contrary to the act of the 33d of the king, and illegal; and he concluded by moving two Resolutions, the one recapitulating the facts of the letter and consequent grant, and the other declaring that the lords of the Treasury had acted improvidently, no official residence being necessary for the President of the Board of Controul.

Mr. *R. Dundas* defended his claim and the consequent grant, upon the ground that an official residence was as fairly the claim of the President of the Board of Controul, as of sir Charles Morgan, when judge-advocate-general. The Treasurer of the Navy, the Paymaster of the Forces, the secretary to the Admiralty, the Chancellor of the Exchequer for Ireland, and many other public officers, enjoyed the same advantage. Besides, the hon. gent. had argued erroneously, in saying, that such a grant was illegal, for the same act of parliament, which limited the appropriation of 5,000*l.* per annum to the salaries of the president, commissioners, and secretary of the Board of Controul, appropriated also 11,000*l.* per annum for other contingent expenses, of which the purchase of the house might form a part. He concluded by moving the previous question.

Sir *J. Newport* entered into an explana- of the circumstances that gave rise to an official residence being given to the Irish Chancellor of the Exchequer.

Mr. *Whitbread* observed, that it was not so necessary for the President of the Board of Controul to have an official residence, as it was for the Chancellor of the Exchequer for Ireland. He contended, that it was an abuse to have suffered sir Charles Morgan, after he had ceased to be judge-advocate, to continue in the house during the remainder of his life. Had the judge-advocate gone since without the accommodation of a house? If he had not, it appeared to him highly improper, that the public should be burthened with the charge of providing another house for him. The right hon. gent. had stated no reason why the President of the Board of Controul should have an official residence. If an increase was to be made to his salary, it should be granted *eo nomine;* and the house would, he trusted, by its vote on this occasion, decide that the appropriation of a house to such a purpose was highly improper.

Lord *H. Petty* felt it necessary, as the death of sir C. Morgan had happened whilst he had a seat at the Treasury board, to state to the house the reason why the house had not then been given to the judge-advocate. It had been found convenient and necessary to occupy the apartments over the Treasury, which had been appropriated to the home department, for the accommodation of the growing establishment of the Treasury. It was then deemed expedient to remove the office of the secretary for the home department to the house in question. A compensation of 500*l.* a year, was in consequence, he believed, given to the judge-advocate.

The *Chancellor of the Exchequer* observed, that, if the house should be of opinion that nothing improper had been done by the Treasury, the usual and ordinary course of proceeding would be to pass to the other orders of the day, or to resort to the previous question. The first question for the house to consider was, whether the act of the Treasury was legal; the next if it was blameable. The hon. gent. who had brought forward the Resolutions had not gone so far as to say that the act was illegal: he was therefore justified in assuming that it was legal. As to the propriety of the act, he had to observe, that when the present administration came into office, the house had been separated from the office of judge-advocate, and a compensation of 500*l.* per annum given in lieu to that officer. The notice served upon the present sir Charles Morgan to quit the house had expired since the present administration came into office; and as the house was not large enough for the office of the home department, it was thought right to give it for the present to the President of the Board of Controul, but not to annex it to his office. No minute had been made of the transaction; not because the board of

Treasury wished to shrink from the responsibility, but because no board was sitting at the time. If any sufficient salary was annexed to the office of President of the Board of Controul, then certainly the board of Treasury would have been to blame; but as it was admitted on all hands that the salary was inadequate, he trusted the house would not think that there was any thing improper in the transaction.

Mr. *Tierney* appealed to the hon. gent., (Mr. Bankes) who was then chairman of the committee of finance, whether immediately on his retiring from office, he had not suggested to him the propriety of recommending the increase of the salaries of some offices, and particularly of that of the President of the Board of Controul. But though the salary was too small, he did not think the house should sanction the addition to it in the shape of a grant of a house. For his own part, he thought the transaction illegal, because the act gave only 5,000*l.* per annum to be applied to the payment of the commissioners; and when it was afterwards, in 1792, thought right to grant them all salaries, it was provided that the East India company should not pay more than 16,000*l.* But when it was provided that the East India company should not pay more, it was not intended that the public should be made to pay any part of the salaries of the commissioners. He thought, therefore, that the board of Treasury was blameable in letting the President of the Board of Controul have the house in the manner they had, and, as he felt they had acted improvidently, he should vote for the motion.

Mr. *Bankes* admitted that the right hon. gent. had made the communication he alluded to, at the time he stated, but as the Committee had been appointed for the purpose of inquiring what retrenchments could be made in offices and sinecures, he did not think that it came within the purpose for which it had been appointed, to recommend an increase of the salary of any office. He thought the mode of augmenting salaries by granting houses was the worst, the most absurd, and most prodigal manner, in which that could be done. It generally cost the public double or treble the amount of the increase in contemplation. He was of opinion that it was contrary to the intention and the meaning of the act of parliament, that such an appropriation as that under consideration should have been made.

After a few words in explanation from the Chancellor of the Exchequer, the previous question was carried upon the first resolution, and the second was negatived without a division.

[PLACEMEN AND PENSIONERS IN PARLIAMENT.] Mr. *Whitbread* rose for the purpose of submitting to the house the proposition of which he had given notice, and to which he could not anticipate the slightest rational objection. It was his intention to have pressed this proposition on a former night, if he had not been induced to withdraw it on that occasion, in consequence of the suggestions of several members, that they were not prepared to discuss the question then, as it had come upon them by surprise. The right hon. the Chancellor of the Exchequer had declared himself ready to meet the question in that instance, and to give a direct negative to a Resolution, that it was desirable still further to limit the number of persons, holding places, or pensions, or sinecures, having seats in that house. That right hon. gent. could not have forgotten the foundation of the reference to the Committee of Finance on this subject, which reference had grown out of a proposition of a noble lord (lord Cochrane) now member for Westminster, submitted to that house on the 7th of July 1807. The ground upon which the noble lord had brought forward that proposition, was the impression upon his own mind, that the influence of the crown in that house was considerable, and a conviction, that, according to the opinion of the public, the influence of the crown in parliament was too great; that the corruptions which were known to exist, were the necessary consequence of that influence; and that a solemn investigation was necessary in order to ascertain by what constitutional means means it could be reduced. With a view to this investigation, the noble lord had moved for a return of all the places, pensions, sinecures, offices, or emoluments under government, enjoyed by persons having seats in that house, or by their immediate connections. The right hon. gent. however, generalized the proposition of the noble lord, in the reference he made to the Committee, directing it to report upon all sinecures, pensions, &c. distinguishing those held by members of parliament. It was said at the time, that the object of the right hon. gent. was to slur over the matter, and to mix it with other considerations, in such a manner, that it would be impossible to come to any distinct decision upon the real

question. He did not mean to say, that the right hon. gent. had any such intention; but certainly the effect of his interference on the occasion was, that the whole question became so confused, that the simple and distinct proposition of the noble lord was absolutely lost in the extraneous complicated matter blended with it. When the house had been lately in a Committee on the Bill of his hon. friend, and a reference was made to the original intention in forming the Committee of Finance, it was proposed to leave out the word "influence," as if the reference to that Committee extended only to economy and not to influence. The noble lord who had originated the proposition for the appointment of the Committee, was at the time in the house; and he had expected that the noble lord would have taken the occasion to recal the attention of the house to the real state of the original reference to the Committee. As the noble lord had left the house without saying any thing upon the subject, he then felt himself bound to move the Amendment he had submitted to the Committee, which the right hon. gent. had declared himself ready to meet, but which, on the suggestions of others, he had then been induced to withdraw. On putting the question at that time, he intimated his intention to bring it forward in a distinct shape, in the course of the present session. But owing to some mistake respecting the notice, and considering the advanced period of the season, as well as the very thin attendance which was likely to continue during the remainder of the session, of which the state of the house at that moment was a proof, he had changed his intention, and now proposed to move solely a Resolution, that at an early period of next session, that house would appoint a Committee to consider of the propriety of providing further limitations of the numbers of persons holding places, pensions, or sinecures, and seats in that house. To that Resolution he did not think that any opposition could be made, because, whatever might be the opinion of the right hon. gent. upon the ulterior question, as the influence of the crown in that house was now avowed, and said to be necessary, a doctrine which had never before been tolerated in that house—he thought that the right hon. gent., from deference to public opinion, would not object to this Resolution. It was strongly impressed upon the public mind, that the influence to which he alluded was the cause of all the corruptions in the state, and consequently led to the increase of the public burdens so grievously felt by all classes of the community. In deference, therefore, to the opinion of the public, the right hon. gent. would not, he trusted, make any objection to his proposition, especially as, in the next session, when the subject should be brought fully before the house, he would have an opportunity of shewing, if he could, that the influence of the crown was not so great as was supposed, or so prominent as to require any reduction.—But here he was bound to state, that in his view of the subject, the influence of the crown had increased, and ought to be diminished by those constitutional means which parliament had been in the habit, frome time to time, of resorting to for its reduction. Unless those means which by constitutional right and habitual exercise, belonged to that and the other house of parliament, should be employed to diminish the increasing influence of the crown, it would in the end overthrow the two other legislative branches of the state. A right hon. gent. opposite (Mr. Rose) who had studied this subject with diligence, had on a former night entered into statements, and produced tables to the house to shew, that the influence of the crown had been diminished, rather than increased, because there were fewer placemen in parliament at present than in former periods. He did not mean to stop here to inquire into the accuracy of these tables, or the justice of the right hon. gentleman's deductions from them. Though it might be true that there were fewer placemen in that house now than formerly, that would not shew that the influence of the crown had undergone any diminution. That unobserved influence of the crown out of doors, growing out of the appointment to the various and numberless offices under the patronage of government, was alarmingly progressive, and might render it necessary to diminish the number of public officers and placemen eligible to seats in that house.—Every man who contemplated the vast accumulation of the national debt, the enormous extension of the army and navy, the correspondent augmentation of all the other public establishments, and the mass of patronage in the gross and in the detail that must necessarily arise out of such a state of things, must be convinced that the influence of the crown has increased and is increasing. The next question was, whe-

ther that being the case, it ought not to be diminished? It was his decided and conscientious opinion that it ought, and that it must be reduced, if parliament were disposed to do its duty. As an instance of the alarming increase of the influence of the crown, he might refer to an act which passed within the last two years, the act for the establishment of the Local Militia. He begged gentlemen to consider what a mass of influence was creased by the establishment of that large force, extending too throughout every part of the kingdom; he wished them only to contemplate the means which this single establishment afforded for attaching persons of every description to the government, as would be obvious from the number of commissions signed and published in every gazette.—[Signed by the lieutenants, whispered across the table.]—Yes, signed by the lords lieutenants; but the persons were to be approved of by the government, and, consequently, indebted to the government for their commissions. Besides, the number of applications to the Secretary of State's office, and the sums of money indispensably issued for the support of this force, necessarily and unquestionably increased the influence of the crown over members of that house, through their constituents.—There were numerous other instances which he could state, but as there was another important subject to come on, he should not think it justifiable in him to occupy too much of the attention of the house, in as much as the principal question would not be discussed till next session. The right hon. the Chancellor of the Exchequer had, on a former night, taunted him with being a theorist, a disciple of speculation, whilst he claimed for himself to have the practice all on his side. So far however, from being supported only by theory, he would contend, that he had the uniform practice of parliament and the sound principles of the constitution on his side. During the whole of the last century, measures had been adopted from time to time, for the gradual improvement of the constitution of that house, by the removal from its body of persons dependent upon the crown. Of this description were the various Acts for the exclusion of disqualified persons from seats in that house, and for the disfranchisement of voters who might have rendered themselves unworthy of the elective franchise by the corrupt abuse of that valuable privilege. Every such measure was more calculated to purify parliament than to curtail the influence of the crown. He did not rest therefore upon theory; his Resolution was founded upon the original practice of that house, and was but an extension of the principle which had been uniformly acted upon since the Revolution. Having proved his Resolution to be conformable to the uniform practice of parliament, he should then contend that the present was a proper time for acting upon it, by diminishing the number of Placemen and Pensioners, and others influenced by the government, having seats in that house. He was bound, however, to add, that that part of the Act of Settlement which was to exclude all public officers and placemen from seats in that house after a certain time, was a mere theory that never had been acted upon, for it ceased to be a theory, even before it could have become a law. The principles laid down in that part of the Act of Settlement would, if acted upon, prove most mischievous in practice, and highly detrimental to the public service. But there was an opposite mischief, which it was equally the duty of that house to guard against; they might have too many such persons in parliament; a mischief which existed at present, and which it was the bounden duty of that house to correct. A right hon. gent. opposite (Mr. Rose) had said on a former night, that, besides the great officers of state, it was necessary that others connected with the public departments should have seats in parliament, as the duties of their situations were intimately connected with the business of that house, and could not be effectually discharged if they were excluded from seats in it. Granted: this he did not pretend to deny. It was never his wish to exclude a reasonable proportion of the gentlemen connected with the public departments from that house; but he thought that some limits should be set to the number, and was convinced that there were at present more than were necessary among the members of that house. He begged to be understood in this observation as leaving the persons so circumstanced altogether out of his consideration, and looking only to the practice. Many of the hon. members who were in that situation were highly respectable, and would, no doubt, give their votes independently on the same side as at present, even if they had no connection with government or the public departments. Any observa-

tions, therefore, which he should have to make, would not apply to the particular persons now in office: others had before them been in the same situation, as others might after them; the practice alone he condemned, and to that he should be a most decided enemy, whoever might be involved in it. In looking to the list upon the table he was prepared to assert, that it did not appear to him necessary that all the commissioners of the Admiralty should have seats in that house. Whenever the First Lord, as it often happened, was not a member of that house, two Commissioners and the Secretary of the Admiralty would obviously be enough to have seats in that house, and fully adequate to do all the parliamentary business of that department. The same observation he should make respecting the Commissioners of the Treasury, of whom he was of opinion, that only a certain proportion, together with the Chancellor of the Exchequer, should be allowed to sit in parliament. In the Ordnance department, as the Master general was scarcely ever a member of that house, he was of opinion that the Secretary might be allowed to become a member of that house; but he could see no reason why the Storekeeper, the Treasurer, and the Clerk of the Delivery, should be eligible to seats in parliaments. With regard to the Paymasters of the Army, it would be desirable that the Principal Paymaster should sit in that house; but there could be no necessity whatever for admitting either the joint or the deputy paymaster to the same privilege. As to the Board of Controul, as the business of that office had very little connection with the details of parliament, he could see no reason why any more than the President of that Board should have permission to sit in parliament. Having said that he would not object to the efficient officers of the State being members of that house, and even having admitted that some of the subordinate officers connected with the public departments might be allowed to sit in parliament, in order that they might have an opportunity to become acquainted with the business of that house, and fit themselves for higher offices, he should confine his concessions to them, because he did not think it at all necessary, that any other placemen should have seats in that house. He should now leave that part of the question, and go to his majesty's Household, the individuals connected with which having seats in that house, were so many advocates for prerogative, and added considerably to the influence of the crown in parliament. This might be extremely proper; but it did not appear so clearly in that light to him. Gentlemen might think that it was necessary and right that the ministers should have a controul over a certain number of the members of that house; they might think, and maintain too, that it was proper that the crown should have, as in other times it had, a party in that house to controul both sides of the house. But to this point he should only allude, because, however relaxed their practice had been of late, and however difficult the Speaker might find it to resume those reins which his predecessors had found effectual to check all irregularity and disorder, but which had been wrenched from him, certainly without any the most distant imputation against himself, by the gross and disorderly assertions to which he had been reduced to the necessity of listening; still relaxed as their practice had been, there were limits which it would not be justifiable on any ground to overstep, and consequently he should only allude to a circumstance which he could not without violating order venture to mention. He could not discover any reason why the Groom of his majesty's Bedchamber, the first Equerry to his majesty, or the Vice Chamberlains to his majesty and the queen, should be members of that house, the duties of their office respectively not having the slightest connection with parliamentary business. It was his opinion, that the presence of such officers in parliament had no other effect than to increase the influence of the crown.—The cases he had mentioned, out of the many that could be brought under the consideration of the house, would be sufficient, he trusted, to prove to the house the necessity that existed for providing some further limitation of the number of Placemen and Pensioners having seats in that house.—Without supposing the existence of any corrupt or dishonourable motive in such persons, there were even virtues in their nature that might give them an improper bias; gratitude and friendship might blind them to their public duty, and the respect they owed the constitution. It had been provided by an act of queen Anne, that no persons having pensions during pleasure, should be eligible to sit in parliament. The principle of the act was sound, but it was soon evaded, for Pensions were

afterwards granted for terms of years. By the act of George the First it was provided, that persons holding pensions for terms of years should not be capable of sitting in Parliament. This was an extension of the principle of the former act, but the measure stopped short of the limit it should have been carried to, and left it to a third act to exclude life-pensioners from that house. There could be no doubt, that the persons to whom pensions were granted, must feel attached to the government to which they were indebted for the grants; but it might be said that the holders of pensions for life were more independent than those who held during pleasure, or for a term of years. Undoubtedly it would appear that such must be the case; but when it was considered that pensions might be granted for a term of years, greater than the probable or possible duration of any life, it must appear extraordinary, why the Act of George I. had not been extended to pensioners for life as well as pensioners for a term of years. The holders of sinecure places ought also to be excluded from seats in that house, because it was maintained by some persons that such places ought still to be continued, in order that they might be made the reward of merit and public services;—they created influence, and should therefore disqualify for parliament. It might perhaps be right that a sinecure place held for life should not render the holder incapable of sitting in parliament. But sinecures were not always bestowed as the reward of merit: they were often granted without any reference to services, and in such cases were the instruments of the most pernicious and reprehensible species of influence. He had thus stated the views upon which he was induced to bring forward the Resolution he had to propose. He hoped, that no person would take alarm at the production of such a proposition at this particular moment, as if it was the first step to a Parliamentary Reform. Whatever might be the difference prevailing in the house upon the subject of Parliamentary Reform, he was persuaded, that this was a proposition which should unite both the advocates and the opponents of Reform in its support. Those who were adverse to Parliamentary Reform, according to the usual sense in which it was understood, would do well to vote for his Resolution. The adoption of such a proposition would shew the people, that the house of commons had the means and the disposition to reform itself, and deprive the advocates of change of one of the strongest of their arguments against the constitution of that house. The friends of Parliamentary Reform, on the other hand, had an interest in supporting his proposition, because in whatever way the question of Reform may be disposed of, however the members of that house may be elected, they must agree with him, that it was not desirable that the influence of the crown should be increased in that house.—He did not recollect any thing further that was necessary for him to say on this subject in order to induce the house to agree to his Resolution. He had stated on a former night his opinion upon what was called granting remunerations, but what he considered anticipations of services. He was still of the same opinion, and looked upon such grants as a most prodigal waste of the public money.—Much he had heard said of purchasing the lives of professional men, that is, of giving them a compensation for abandoning their professions. This practice he was sure could not be right upon principle, and appeared to him to be a gross and glaring abuse, the growth of modern times. He was glad, however, to take that opportunity of adverting to what had fallen from a noble friend in answer to some observations he had made on a former night, relative to the appointment of a learned gentleman, Mr. M'Donald, to be an American commissioner. He felt pleasure in stating, that he believed his noble friend's representation on that occasion, to have been correct, and that Mr. M'Donald not only had been distinguished in his profession, and ably executed the duties of a commissioner, to which he had been appointed, but had made no stipulation whatever respecting the amount of compensation to which he was entitled for having quitted his profession: the grant and the amount of that compensation having been the gratuitous retribution of the government. Though he considered the case of this gentleman as a distinguished exception, he was no less an enemy to the principle, and entirely condemned the practice. The hon. member then moved his Resolution to the following effect, "Resolved that this house will early in the next session of parliament, take into its most serious consideration how far it may be expedient to provide some further limitation to the number of Persons holding seats in this House, to-

gether with Pensions, Sinecures, and Places of emolument under the crown."

Mr. *Rose*, as one of the persons alluded to by the hon. gent., and whom he wished to disqualify from holding seats in that house, begged to say a few words.—The hon. gent. had proposed no practical amendment to the great influence of which he complained. That house consisted of 658 members, and the measure suggested by the hon. gent. would not go farther than to disqualify 25 of them, which was a number so small that it could not make any sensible alteration in the constitution or the decisions of that house. He had occasion to state a few days ago, that the number of placemen now in parliament was less by 18 or 19, than it was in the year 1781. He had since found that in fact there were about 25 or 26 less than at the former period. When the hon. gent. spoke of the unobserved influence of the crown, he certainly had forgotten, or perhaps not attended to the statement he had then made. The diminution of the influence of the crown over the members of that house was still greater in respect of this, which was called the unobserved influence, than in the ostensible places granted by the government. Formerly, valuable bonuses in loans, lotteries, and contracts, used to be given to the members of that house; and nothing was more common than members having the profits of offices held in other names, and of which none but the ministers, or those immediately about them, knew any thing. There were probably, in former times, above 50 or 60 members who thus enjoyed concealed favours from the crown. As to the king's immediate household, or grooms of the bedchamber, he had never heard of their influencing the decisions of that house. He believed that at present there was but one amongst them who was a member of the house of commons. As to the provisions so often spoken of in the Act of Settlement, they were immediately found to be impracticable, and that serious inconveniences would result from them; and therefore this part of the Act of Settlement was very soon repealed. It appeared to him, upon the whole, that if the increasing influence of the crown was what the hon. gent. complained of, he had not pointed out a sufficient remedy.

The *Chancellor of the Exchequer* said, that, as the hon. gent. had begun his speech by saying, that he could not conceive any possible objection to his motion, he therefore thought it necessary for him to give his reasons for opposing it. He considered that if the house were to agree to the motion, it would be expressing its opinion that it was desirable to take the subject into serious consideration, with a view of diminishing the number of placemen in parliament. He, therefore, conceived, that it would be prejudging the question to agree to such a motion, whereas the question would not be prejudged by their not agreeing to it. It would be open to the hon. gent. to bring it forward as early as he pleased in the course of the next session. The hon. gent. had stated, that at no former time was it ever argued in that house, that the crown ought to have an influence over the members of that house. Now, he would venture to say, that whenever the question of reform was agitated there it was resisted on that very ground, that practically it was of advantage to the country that the crown should have some influence in that house. Even the celebrated Resolution of Mr. Dunning, "That the influence of the crown had increased, was increasing, and ought to be diminished," did not go so far as to take away all influence from the crown. In this motion, which the hon. gent. seemed to have in view in bringing forward his present resolution, such influence was to a certain degree recognised, else the motion would have been, not that it should be diminished, but that it should be abolished and removed out of those walls. As to what he had heard of a great discontent prevailing in the public mind, on account of abuses in the constitution, he did not believe the fact. It was a topic used by those demagogues who argued at public meetings; but he did not believe it was the sense of the country. He could not conceive any good that could possibly result from this motion, and therefore he could not support it. If the influence of the crown had increased, the influence of the popular part of the constitution had increased also. The increase of wealth and independence was a sort of countervailing influence which balanced the increasing influence of the crown. He was astonished that the hon. gent. should consider the establishment of the Local Militia as an increase of influence, when he must know that he himself was not in the slightest degree influenced by holding a high commission, that of colonel, in the Local Militia. The fact was, that the ap-

pointments were given, not by the crown, but upon the recommendation of the lord lieutenants of counties, to which recommendation the crown had certainly a negative. Conceiving that the motion could have no other effect but to prejudge the question, he should not support it.

Mr. *Tierney* said, that as the Resolution was now worded it would prejudge the question, but he thought with a slight alteration that objection could be got rid of. If his hon. friend would limit his motion to a resolution, that the house should in the next session of parliament enter into the consideration of the subject alluded to in his notice, he should agree to the motion. Although he was not for yielding to popular clamour, yet if the public opinion evidently sat in one direction, he thought it ought not to controul absolutely the decisions of that house, but that it should induce them to consider that subject with peculiar attention. This matter, however, did not originate from popular clamour, or from any thing which took place out of doors; it was from an act of the house itself; from a Report of a Committee which they had appointed to investigate this particular business. Upon that ground, he thought the house might very properly pledge itself to take into consideration early in the next session, a report of one of their own committees. They would be only pledged to consider the subject, but not pledged as to the manner they were to determine on it. He thought that some of the placemen mentioned ought not to sit in parliament; but he disagreed with many people, in thinking there could be any sound objection to sinecure placemen and pensioners, who had their appointments for life. They were just as independent as any other men: and the late administration were constantly opposed by many persons of that description, and the present administration by some.

Lord *Folkestone* rose, in consequence of the last observation which had fallen from the right hon. member, who appeared to him to have fallen into a great mistake. The confusion of the right hon. gent. seemed to consist in this. Many of those who held sinecures and pensions for life, when they voted against a particular administration, conceived they shewed a great deal of independence, and that therefore they were very fit and proper men to sit in that house. This was not, however, the sort of independence which he thought should be required from those who called themselves the representatives of the people. The sort of feeling that became a representative of the people was a common interest with the people at large. Those who held these sinecures and pensions had a different interest. They had other people to look to, to whom they were bound, if not by expectancy, at least by gratitude, and therefore they were not altogether as independent as other men, or as fit for representatives of the people. If they did not expect any thing from ministers, therefore, they had their debt of gratitude to pay to them, and did not continue with the people, as true and honest representatives ought to do. On this ground he objected to them as much as to persons having pensions during pleasure.

Lord *H. Petty* did not conceive that the reduction of placemen in that house would produce much effect. The increase of the influence of the crown was principally from the increased patronage in the revenue, the army, and navy, but did not appear directly upon the members of that house. Though the influence of the crown, upon the whole, had greatly increased, it had rather diminished in that house. The immense military force, and the expenditure of the country, were the causes of this increased influence, which, though it did not operate so much in that house, had a great effect on the country at large. His hon. friend would agree with him, that the inflence of the crown, instead of increasing, had diminished in that house, when he stated that in 1738 the number of persons having places and pensions under the crown amounted to 234, having among them an income from the public purse of 212,000*l.* per annum. The observation of the Chancellor of the Exchequer, however, as to the motion of Mr. Dunning, did not apply. He did not allude in that motion to the influence of the crown in that house, but to the influence of the crown generally. That great man would have been the last person in the country to admit that the influence of the crown in that house ought to prevail, or that such an idea ever had been, or ever ought to be, entertained in parliament.—One reason why he agreed with the motion, was, because he thought the Welsh Judges ought to be excluded from seats in that house, as should also the Masters in Chancery. He once more begged to recommend to the right hon. gent. the review of the establishment as to the Welsh

Judges, and particularly that fiction of law, that there was one sovereign of this country and another of Wales. He thought the Welsh Judges should be removed entirely, that Wales should be treated as a part of England, and three more added to the number of the Judges of this country.

Mr. *Ponsonby* said, he felt not the least difficulty in agreeing with the motion proposed. It seemed to him, that after the Report of the Committee of Finance upon this subject, and the consideration given to that Report in the course of last week, if they were to negative this motion it would be almost saying to the country, that they were to disregard totally that part of the Report; a proceeding which would be most impolitic, injurious, and improvident. He was not prepared to say what offices or sinecures ought to be abolished; at the same time he could venture to say, that his views of the subject did not coincide entirely with those who had spoken, though he was convinced that something should be done. To say that it was only necessary to exclude the members holding official situations, from that house, shewed an ignorance of the constitution, and the manner in which the government was carried on. Before the Revolution the government was conducted out of parliament; but since the Revolution the practice of the constitution was, that it should be conducted in parliament, and principally in that house. It was essential, therefore, that the servants of government should be there in person. What use, however, could there be of persons who had places holding seats in parliament if they had no business to do there? Of this description were the officers referred to by his noble friend.—As to sinecures or pensions for life, he thought it not fair to extend the principle of exclusion to all who might hold such appointments. In this country rewards for services were conferred in various ways, and to some persons it might be more gratifying, that the reward should descend to their families than be enjoyed by themselves. Would it not be hard, that in a case of this kind, the person enjoying such reward should be excluded from parliament, though altogether independent of the crown. He himself held a place for life, in lieu of his seat on the Chancery Bench in Ireland. He was not, however, under any obligation to the crown for it; he held it under an act of parliament. He could not, therefore, agree, that all persons holding situations for life should be excluded from parliament, so long as they were situations that rendered them independent. The noble lord (Folkestone) said, that persons holding pensions had no common interest with the people of this country. Did the noble lord mean that he had no interest in the Habeas Corpus, or in the constitution? He should be glad to know why he had no interest in all the laws existing for the preservation of the liberty of the country and civil prosperity of the kingdom, because he held an office for life? It had been recognised that since the Revolution ministers should sit in parliament, but never that they should be suffered to influence or controul the decision of parliament. If it were so, what would it amount to, but that two branches of the government were to be corrupted by the third? This house, however, never did give to the crown any power so to influence it. The influence of the crown in our naval, military, and other branches, had greatly increased. Without entrenching on the constitutional influence of the crown, he thought something might be done by agreeing to the motion of his hon. friend, which would prove useful to the country, creditable to the house, and satisfactory to the public. If the house rejected the motion, it would appear as if they intended to do nothing at all in the business now suggested.

Lord *Folkestone* explained, that he did not mean that pensioners had no common interest with the people, but that they had an interest separate and distinct from the interest of the people.

Mr. Secretary *Canning* said, that he could by no means agree with the hon. mover in the premises he had laid down, and of course it could not be expected that he should agree in his conclusion. He could neither agree with him, that the influence of the crown over that house had increased in a great and unparalleled degree, nor could he agree with him in supposing that it would be advantageous to reduce the number of placemen in that house. There was one part of the original argument which was now abandoned. It was no longer insisted that the number of placemen in that house had increased of late years; and it had been correctly stated by a noble lord (H. Petty) that far less than a century ago, the number of placemen in that house was in a proportion of at least five to one greater than at present. It would no longer be contended that the number of placemen in parliament had in-

creased, and he felt it necessary for him to state the reasons why he thought it would be improper to drive those out of parliament who were now in it. As it was evident that the house of commons must always want information on various public subjects from the members of the administration, it was much better that ministers, and persons in ostensible situations, should be spoken to in their places, as members of that house, than be brought up to the bar, like culprits. The present practice experience had shewn to be a wholesome one, and if it did not at present exist, it would be beneficial now to introduce it. If no placemen were suffered to sit in parliament but the ministers themselves, it would follow that when the present generation of ministers were over, they must be succeeded by raw and inexperienced persons. This was a necessary consequence; for if those who were acquiring knowledge of the business of government in inferior departments, were to be absolutely excluded from sitting in parliament, in what office were they to learn that necessary and constitutional part of a minister's duty, to explain to that house the motives of their conduct, and to defend the propriety and policy of their measures? If men were to be trained up for ministers in any other school besides that of parliament, if the crown were to look for its ministers any where but in parliament, then, indeed there might be a well founded jealousy of the power of the crown. He knew no greater security to the people for the faithful discharge of the duties of government, than that those who held high situations should have seats in that house, and be there obliged to explain the motives of their measures and conduct to the house and to the country. If we were now to set about contriving a plan to enable the crown to chuse its ministers any where out of parliament, such a plan would be most injurious to the liberty of the country. This was now by long habit, though not by established law, the practice of the constitution, and he was convinced that it could not be changed without great public detriment. This motion would go to remove from their seats in that house many distinguished persons who held sinecure places or pensions for life, as the reward of public services performed either by themselves or their fathers. This exclusion of persons who were receiving rewards for their past services, he conceived, would be equally erroneous and unjust as that of the public officers themselves. He believed it would be admitted that both in the other house of parliament and in this, there were at least as many persons holding Pensions and Sinecures who voted against ministers as for them. They, on all occasions, voted as if they had no advantages from the crown. The right hon. gent. (Mr. Ponsonby) had marked so strongly his own pension as coming from parliament instead of his majesty, that he could not forbear from saying, that if any desire of making that house the source from whence such rewards should flow, lurked behind, he should esteem it a most lavish and preposterous idea of remuneration, and he thus early intimated his dissent from any such proposition. The right hon. and learned gent. (Mr. Ponsonby) had himself a pension for life, and yet the present ministers had always the advantage of his vigilance and correction. There were other hon. gentlemen on the same side of the house, who, though long holding sinecures or pensions, were constantly arrayed against his majesty's present government. A noble lord (Folkestone) had talked of pensioners being bound by gratitude. The gratitude, however, of those gentlemen for the remuneration they received for their services, did not certainly appear to be any gratitude to the crown. The right hon. and learned gent. (Mr. Ponsonby) had spoken of his pension being conferred by an act of parliament, and not by the crown. The right hon. gent. might, therefore, well conceive that it was to the parliament, and not to the crown that his gratitude was due. If there lurked in the mind of any gentleman the idea of parliamentary pensions being granted as the reward of public services, he, for his part, would much rather forego all claim to remuneration. He did not know any course that would lead to a more lavish and preposterous expenditure. He felt satisfied that the influence of the crown over that house was gradually, but constantly diminishing. He wondered that the hon. gent. (Mr. Whitbread) who himself held a conspicuous situation in the Local Militia, should consider appointments of that sort likely to influence the votes of members. He was surprized to hear that gentleman, in the language and tone of manly independence, complain that such appointments as he himself held, made men dependent on the crown. There was an old philosopher, who said he would not argue with a man who had 50 legions, and

for the same reason it did not become him to argue about the influence of an appointment in the Militia with a Militia Colonel (A laugh). But if this establishment of Local Militia were so very bad, and if it introduced 300 sycophants and dependants on the crown, he would ask, was that great evil to be redressed by driving two Lords of the Admiralty out of that house? (A laugh). The number which the hon. gent. proposed to turn from the house was so very small, that it could not sensibly affect the votes of the house; but the absence of those members might deprive them of a great deal of useful information. He therefore could not by any means concur in a proposition which would appear like an acknowledgment on the part of the house, that there were too many placemen among them. If the hon. gent. chose to argue that point next session, he might do so without being at all prejudiced by the decision of the present night.

Sir *Francis Burdett* expressed the particular disadvantage under which he rose to reply to the commander of so many legions, as he presumed the right hon. gent. who last addressed them was. For his own part, he admitted, that his knowledge of the constitution was principally derived from the Statute Book. He was of opinion that the commons house of parliament ought to be a full and fair representation of the people; and so thinking, he could not but consider that argument as most extraordinary, which defended the defects in the representation of the people, upon the ground that there were at present in that house many persons who, under a reformed system, would not be returned. What was this, but to assert that there were representatives of the people as the house was now constituted, who had not only a separate, but a contrary interest to that of the people? Amongst the many evils which the defective state of the national representation engendered, there were none more grievous than the obligation under which the house frequently was placed to resort to palliatives for the purpose of staying the evil; an evil which admitted of no palliative. It had been stated by a right hon. and learned gent. (Mr. Ponsonby,) in illustration of a principle, that he, though holding a pension in right of his late office (that of Lord Chancellor for Ireland) still held that pension totally independent of the crown. Now, he must own, that in his view, both the principle and the practice of conferring such pensions, were a very great and objectionable public grievance. It was hard that the people should be saddled with such burdens. Within a very short period the country was called upon to pay pensions to four different Chancellors of 5,000*l.* a year each. Why were persons holding such offices removed on the change of every successive administration, thereby impeding the course of public justice; at the same time that it aggravated the public pressure? In supporting the present Resolution he still felt that it was only palliative, capable of producing good as far as it went. He, however, would feel much regret, if it tended to mislead the public judgment, or diverted it from the only redress adequate to the evil, namely, a Reform in the Representation of the People. For that there could be no substitute; as upon a free and pure election, where the choice of the people selected those entrusted with the disposal of their properties and persons, the very spirit of the constitution depended. If, however, it was to be all influence (in other words, corruption) in one branch, and all submission in the other, then he could not consider the whole but as a mere farce. Would any man pretend to say, that such a pure and free election existed, when it was asserted and proved in petitions before the house, that 157 Boroughmongers returned a majority of its members to that house? He laid no stress upon any augmented influence of the crown, but he reprobated a system which alternately in the name of the crown oppressed the people, and in the name of the people diminished the just prerogative of the executive branch of the constitution. He knew that the crown was entitled to the constitutional exercise of its prerogative by the law of the land, and that it was necessary to entrust to the executive government strong powers for the able and effectual administration of public concerns. But it was also a part of the constitution, and the very living principle of popular representation, that the people should not be taxed without their own consent, and that their persons should be safe under the protection of the laws. Secure them in those two points, and on their part there will be no attempt to encroach upon the rights or just prerogatives of the crown. Where can the security be found? Only in a fair and adequate representation of the people in the commons house. This, he would ever contend, was the plain and simple principle, certain of producing the

desired effect, and rendering unnecessary substitutes and palliatives of any sort.

Lord *Porchester* reprobated the proposition of excluding official characters from that house, as replete with evils of serious magnitude. The noble lord had determined to vote however for the Resolution, under the impression, that there might possibly be a description of persons holding places and enjoying pensions, whom it would be proper to remove from that house.

Mr. *Ponsonby* in explanation stated, that the hon. baronet must know that in the nature of things it was impossible, that a Chancellor could remain in office who differed wholly in his political views from the other members of the king's government.

Mr. *Ellison* protested against the libels which he too often heard uttered against the laws and constitution of the country—a constitution under which the people enjoyed a greater participation of civil blessings than any other empire in the world. The hon. baronet, he was sorry to say, saw nothing but deformities, and was wholly led away by a predilection for dry abstract propositions. He could not vote for the proposed Resolution, brought forward at a time when the general purity of public management was so universally admitted (a laugh).

Mr. *Hawkins Browne* expressed himself of the same opinion. He was far from thinking the influence of the crown had increased in that house; on the contrary, he thought it less now than at any former period. Unless the house saw some great and effectual remedy would be the consequence, to pledge themselves to a measure of this kind, would be a delusion of the people, especially of those who wished to see placemen excluded. There were many cases, in which only a choice of evils was left. It was different here. For his own part, he knew the good effects of the present system. The country had long flourished under it, and he for one would not easily consent to change it. The present measure he viewed as a mere palliative, which could produce nothing but delusion. He should, therefore, give it his negative.

Mr. *Pole Carew* thought the hon. gent. who brought forward the motion, had laid no grounds for his proposition that should induce the house to entertain it at present. It was open to him to give notice for the next session, but at present they had not had a fair opportunity given them to deliberate on it in such a manner as the importance of it required. He should, therefore, oppose it.

Mr. *Whitbread* said, he would beg leave to trouble the house with a very few observations, in answer to what had fallen from some of those hon. members who had opposed his motion. Notwithstanding all that had been said with respect to the impropriety of agreeing with his Resolution, on the ground that it would, in effect, go to prejudge the main question, he contended, that the course he had pursued was the ordinary course of proceeding when a measure was considered by any member necessary, and the existing session was too far spent for its discussion then. The house had a precedent in the Bill brought forward to regulate the office of Treasurer of the Navy. Two hon. members had adverted to the characteristic purity of those times, and in the fervour of their ejaculations almost appeared to feel that it was heaven itself; yet, notwithstanding all their encomiums upon the purity of public men, he (Mr. Whitbread) must say, that he was anxious to apply a little correction to them, not to the hon. members personally (a laugh), but as constituting a part of the house of commons.—He next reviewed the objections of the right hon. Secretary (Mr. Canning,) and contended, that such was the purity, as it was called, of those times, that even the Chair was obliged to endure from the right hon. gent. and his colleagues, admissions and justifications which in other times, in the days of Mr. Dunning, would not be tolerated. The right hon. gent. he supposed could not have been present at the whole of his (Mr. Whitbread's) speech, or he would never have spoken as he had lately done. So far from having an idea of excluding the members of the administration from the house of commons, he had expressly said it was his wish that a liberal portion should be allowed to sit there. Yet there were offices the holders of which ought to be excluded from parliament; and there were persons in that house who were only there for the mere purpose of giving direct influence to government. His right hon. colleague who preceded him (Mr. Perceval) had said, that no such expressions had been used in former times as were on the present occasion. This he (Mr. Whitbread) denied. Could it be supposed that when Mr. Dunning introduced his bill against the influence of the crown, expres-

sions equally strong and plain were not used? Did not that bill expressly say, that "the influence of the crown had increased, was increasing, and ought to be diminished." That right hon. gent., however, introduced a language into that house, as to the sale of seats in parliament, which no former Speaker would have endured. He was sorry to say the present right hon. gent., who so honourably filled that high station, was obliged to listen to it; for the fact had been incontestibly proved; and the right hon. gent. had openly avowed and vindicated it; and when, from the zeal and sincerity of the house, they were about to have a Bill that would go a great way to put an end to such disgraceful proceedings, that right hon. gent. came forward, and was willing the bill should preclude the landed and monied interest from purchasing seats in that house, but was very ready and anxious to give the whole monopoly to government in the way of offices, and by that means make the mischief more grievous and more extensive than ever it was before. The learned Chancellor of the Exchequer considered it the duty of the house not to indulge any hopes of reform, which might be entertained out of doors. Let him not be alarmed, lest any false hopes should be entertained by the people respecting him. For what hopes could be indulged, when they saw a noble Secretary (lord Castlereagh) convicted, on his own confession, of an attempt upon the dignity of parliament, still retained in the service of the crown; when they knew that the right hon. gent. himself had been accused of a participation in another unconstitutional attack upon the independence of that house, and had shrunk from the inquiry? When they recollected that he, one of the greatest reversionists of the kingdom, had opposed the passing of a measure which had twice received the sanction of that house, for the purpose of correcting such an abusive exercise of the prerogative. That right hon. gent. had taken care the people should have nothing to hope for from him. He had positively denied that all which the house had heard, either from petitions or regular county meetings, was the opinion of the people; it was only the clamour of a set of demagogues, who wished to carry their own favourite points. That house, forsooth, the learned gentleman contended, should not now mistake the voice of a few designing demagogues assembled at a tavern, for the legitimate opinion of the country. Oh yes! when every county in the empire resounded with a cry for the correction of gross abuses, the answer is, these are clamours of Jacobins and Demagogues; and the learned gentleman totally forgot what he himself had seen and heard, the cry of some infuriated ruffians armed with bludgeons, insulting and abusing some of the best men in the country, as enemies to Church and State (Hear! hear!). Turbulence and insanity of this kind, in the estimation of the learned gentleman, bespoke the sense of the people; but the converse was applied to the legitimate expression of their sentiments, when the people were convened constitutionally, and their decision unsupported by any factious arts (Cries of hear, hear! and laughter, from the ministerial benches), "unsupported, I say," (added Mr. W.) "by any of those factious arts which raised that murderous cry, to which the right hon. and learned gent. owes his office, and to which those who now cry 'hear him!' are indebted for their places." That right hon. gent. also hated meetings at taverns, and yet he did not hesitate to defend his right hon. colleague for having attended a tavern meeting, and there most indecently and unconstitutionally declaring the sentiments of ministers on questions of a public nature put to him by the chairman.—Mr. Whitbread then said, there were some who held at present official situations, who, he should think, might severally be dispensed with from a seat in that house. One was the right hon. gent. opposite to him (Mr. Rose), whom he was afraid, he must agree to part with; not because he was Treasurer of the Navy, but as clerk of the house of lords. The right hon. gent. was liable to be called away by the lords, and therefore, rather than he should be taken from them at a time when they might not wish to part with him, he thought it would be best to provide that the clerk of the parliament should not sit in the house. He thought the Masters in Chancery should also be excluded, and he was not clear whether it was proper for the Master of the Rolls to have a seat in parliament. He adverted to the statute of queen Anne, by which all officers in the administration were to be put out of the house, and to the statute of George I, by which pensioners for years were disqualified, and said, that by Mr. Burke's Bill, the third Secretary of State was excluded from a seat. It might be practically be-

neficial to diminish the seats of officers of government in that house, not in order to diminish the talents in the house, but to take away a dead weight from it. He viewed this measure in a different light from the hon. baronet. It was true, indeed, it was but a palliative, in comparison of a reformation in the house of commons; but if that was not to be obtained such a palliative was better than nothing. The hon. member then expressed himself a decided friend to a temperate and constitutional Reform of the house of commons, carried into effect by the house itself. To lead to that successful result, the whole country must, in a temperate and firm manner, express its wishes. The experience that recent circumstances afforded, of almost the highest power in the country yielding to its unanimous feeling, must, in a similar case, ensure the success of the cause of Reform. The great danger to be apprehended was from any precipitancy in pressing the question, and thus by the people's own conduct throwing themselves into the power of their opponents. He strongly recommended the people not to fall into such a snare, as the royalists did, who, when seeing Oliver Cromwell on an opposite hill, prematurely rushed forward to promote his object, crying out, that the Lord had delivered him into their hand.

Strangers were ordered to withdraw. The house then divided, and the numbers were—

For the Motion - - - - - - - - -	54
Against it - - - - - - - - - - -	113
Majority against it - - - - - -	59

[THIRD REPORT OF THE FINANCE COMMITTEE.] The house went into a Committee to consider further of the Third Report of the Finance Committee.

Mr. *Henry Martin* called the attention of the Committee to the Sinecure Offices attached to the courts of law, which he stated to amount to 26,000*l.* per annum, which sum was sufficient to provide for the proposed increase of the Judges' Salaries, and so it ought to be applied. The hon. gent. took notice of the Registership of the Admiralty, and the balances retained in the hands of that officer, contrary to the Resolution of the Committee of 1797; and also of certain Sinecures in Ireland. He concluded with proposing a Resolution in substance as follows: "That it is expedient to extend the principles of regulation and abolition, already acted upon by that house to certain Sinecure Offices, and Offices executed by Deputy."

The *Chancellor of the Exchequer* proposed a Resolution with some verbal alterations from that of Mr. Martin, to which the latter acceded, and withdrew his own.

Mr. *Bankes* thought every unnecessary office ought to be abolished, and that the salary of every office executed by deputy, should be reduced to that actually paid to such deputy. The hon. gent. proposed an Amendment to that effect.

The *Chancellor of the Exchequer* opposed this amendment, because it would involve the abolition of all Sinecures, which, as the means of rewarding public service, was a fundamental principle of this constitution: nor could he concur in the latter part of his honourable friend's proposition.

Mr. *Bankes* was undoubtedly of opinion, that no money ought to be paid by the public, but for the public duty actually performed, and it was known that there were no less than 120 or 130 offices highly objectionable on this ground.

Mr. Secretary *Canning* supported the argument of the Chancellor of the Exchequer. If the means of remuneration for efficient public service, which Sinecures afforded, were done away, some other resource for that purpose ought obviously to be provided. Then, how was public economy to be promoted by adopting the recommendation for putting an end to the existence of Sinecures? In fact, there were only eight or nine Sinecures, which formed the fund from which his majesty was enabled to reward the great officers of state. Much, then, as these Sinecures were abused, he put it to the Committee how a cheaper fund was to be devised. He put it to his hon. friend whether he would object to the provision of any due reward for those who, without wealth, might have rendered important public services to the state.

Mr. *H. Thornton*, in supporting the Amendment of his hon. friend (Mr. Bankes), adverted particularly to the Sinecures in Scotland and the West Indies, which could not be comprehended in the description of those alluded to by the right hon. gent. who spoke last. His impression was, that the amount and application of all Sinecures ought to be known to the house, with a view to reform and abolish such as were objectionable. Indeed, he was free to say, that Sinecures were not a convenient way of rewarding public services.

Lord *H. Petty* was of opinion, that if Sinecures were removed some other means of remuneration for public services ought to be provided. But upon the utmost reflection, he would rather prefer the existence of Sinecures, believing as he did that, notwithstanding the mistaken odium attaching to them, if they were abolished, larger pensions would be granted, and consequently greater burthens imposed and entailed upon the public. He was, however, free to confess, that there were some Sinecures, particularly in the West Indies, which ought to be done away. But as to the Sinecures to which he would apply his rule, unless the principle of reward for public services, to which no man who had a just conception of the public interest could object, were actually set aside, it was absurd to deprecate the existence of those Sinecures which furnished the means of that reward.

Mr. *Huskisson* maintained, that according to the Bill of Mr. Burke, which had been referred to by the hon. mover of the Amendment, Sinecures, as furnishing the means of reward for public service, should not be done away without providing a substitute.

Mr. *Ponsonby* concurred in the argument of his noble friend (H. Petty), being perfectly persuaded that if the crown were deprived of the means of rewarding public service which Sinecures afforded, such a system of pensions would follow as would make those persons lament the change who were now most anxious for the abolition of Sinecures. The right hon. gent. recommended strongly a revision of the system acted upon by Deputies in certain offices connected with the administration of justice in Ireland, which system was at present a very serious abuse to suitors, and particularly to the poorer class.

Mr. *W. Smith* protested against the latitude of the doctrine laid down in the debate upon the subject of Sinecures, and quoted the authority of various Reports from committees of that house, combined with the opinions of some of the best men the country had known, to sustain his objection. In point of fact, those Sinecures were not applied to reward public services, but to gratify ministerial favouritism, which rendered their existence still more objectionable. The hon. member read a list of Sinecures in Ireland, to the amount of 26,000*l.* a year.

Mr. *R. Dundas* promised to consider the recommendation with respect to the fees and exactions complained of, in certain offices connected with the administration of justice in Ireland. The right hon. gent. pointed out certain offices in Scotland, which, although requiring the performance of every active duty, were, through misinformation no doubt, described in the Report of the Finance Committee as Sinecures.

Mr. *H. Thornton* corrected the mistake of the right hon. gent. as to the Report of the Committee, which mistake proceeded from the offices alluded to being placed under the general head of "Sinecures and offices executed partly or wholly by deputy."

Mr. *Wilberforce* observed, that in considering Sinecures, their effect on the public mind was to be kept in view. He still thought that this was the most economical way of rewarding public service, but if retained, these sinecures ought to be placed in a clear and distinct light, so that neither the object nor amount could be mistaken.

The Amendment was then negatived without a division; and the Resolution as proposed by Mr. Perceval, carried.

Lord Ossulston gave notice that he would propose a Resolution at another opportunity, to the effect, that Sinecures were an expedient mode of remunerating public service.

The Chairman then reported progress, and the debate was ordered to be resumed on Tuesday.

HOUSE OF COMMONS.

Friday, June 9.

[IRISH REVENUE REGULATION BILL.] Mr. Foster moved the order of the day for the third reading of the Irish Revenue Regulation Bill; and the question having been put that the bill be now read the third time,

Sir *John Newport* rose to resist a clause in this bill, to which he thought it impossible the house could give their final assent, if they were aware of its object. It was no less than a grant of full amnesty and indemnification to all the excise officers in Ireland, who had for a series of years past, in direct violation of their duty and their oaths, been plundering the revenue of that country (as appeared from the Reports of the Irish committee of inquiry) of no less a sum than 850,000*l.* a

year, by taking bribes from the distillers for conniving at their evasions of the duties upon their manufacture, and thus combining and colluding with them to defraud that revenue of which they were the sworn and confidential officers. If such a clause were allowed to pass, he was sure it would so far operate as a sanction and encouragement to fraud, as to create a necessity for another clause of indemnity in a year or two hence.—The reasoning upon which the right hon. the Chancellor of the Exchequer for Ireland supported this clause upon a former night was, that the salaries of the excise officers in Ireland were inadequate to their maintenance, and therefore exposed them to the temptations of bribery to betray their duty; but that their salaries being now raised, there were of course to be no more frauds in future. But he (sir J. Newport) could not admit for a moment that fraud could be justified upon any such plea in a revenue officer, guilty of a violation of his oath and his trust, which would be scouted in any court of criminal judicature, if offered in excuse by a highway-man, or a house-breaker, where no trust was reposed. The right hon. gent. pleaded the notoriety of such frauds in almost every branch of the revenue, as a necessity for this indemnification; and a recent instance had occurred in the house, by which it was shewn that an officer in high situation (Mr. Hill) was not only indemnified for past offences, but sanctioned and encouraged by still higher promotion, though his guilt was established by his own confession: and now came this clause to extend indemnification to the whole corps of such delinquents. With such a clause the bill would be a statute of pains and penalties against the public, and of protection to malefactors; for one clause in the bill denounced the most enormous penalties against any person who should offer a bribe to a revenue officer; and yet it concludes with a clause to indemnify all revenue officers who had taken bribes in the most flagitious way for betraying their trust, in direct violation of a bill which had passed the house so recently as the year 1806, expressly to prevent such frauds. No parliament, he declared, had ever passed such an amnesty as the present; and if the house should now sanction by its protection a class of men, guilty in numberless instances of such flagrant transgressions, such proceeding must be fatal to the public interest, and highly injurious to the public morals. The right hon. baronet concluded by moving, "That instead of now, the bill be read a third time this day three months."

The *Chancellor of the Exchequer* hoped, that as the objections of the right hon. baronet were directed solely against a particular clause in the bill, he would be content to take the sense of the house upon that clause, instead of opposing the whole bill.

Sir *John Newport* had no wish to defeat the whole bill, and was satisfied to rest his opposition upon the final clause.

Mr. *Foster* denied that the clause was intended for such a purpose as that of screening defaulters. It was merely a clause in compliance with a conditional promise made to certain officers, of whose guilt there was no practical proof to be obtained, but who, on the condition of indemnity, had fully acknowledged the facts, and explained how a repetition of such fraud might in future be prevented. He had himself repeatedly stated to the house, that the pay of the excise officers in Ireland was too small for their maintenance, and consequently exposed them to the temptation of bribery from brewers and distillers, over whose works they were placed in the way of their duty. Such were the temptations held out to them, that they had not the fortitude to resist: and so universally and notoriously did the traffic prevail amongst every description of excise officers in every part of Ireland, that the frauds upon the revenue were to an incalculable amount. This appeared upon examination before the Commissioners of inquiry in Ireland. It was, in fact, so generally the usage, that the excise officers conceived there was no crime, or breach of duty, in a matter at which they supposed their superiors connived in consideration of the known inadequacy of their salaries to their maintenance. It was recommended by the Commissioners of inquiry, as the best means of rendering those officers honest and faithful for the future, that their salaries should be increased; and as the defalcations were almost universal, and committed almost without the consciousness of criminality, it was proposed, that an amnesty should be given for all that had passed, upon the strong assurance that under the increased salaries, no such acts should take place for the future: or if they did, that they should be instantly followed by dismissal and the severest penalties. What would

be the obvious consequence of rejecting this clause? Why, that these men would be placed in the power of those very brewers and distillers, at whose frauds they had heretofore been induced by bribery to connive, and who might again drive them to new connivances and frauds by the threats of prosecutions, fines, and penalties for former acts, the proofs of which were in their power, and thus render the bill nugatory, and expose the revenue to a repetition of all those frauds it was intended to prevent.

Mr. *Horner* expressed his astonishment, that a British house of commons should be called upon to pass such a clause; but he was still more astonished at the motives for it urged by the right hon. gent., namely, the universality of the offence in every department of the revenue of Ireland; but, most of all, at the circumstance of continuing in their places, and remunerating by advance of salaries, the very officers who, in breach of their trusts and of their oaths, had been one and all, avowedly and for a series of years, defrauding the revenue, and combining and colluding with others to defraud it. Was there no possibility of finding any other men in Ireland with honesty and ability enough to fill the place of these men? If such a fact were possible, but which he could not believe, then there should be men sought in some other part of the united empire.

Mr. *Foster* explained, by saying, that these frauds were not chargeable on all the branches of the revenue, but merely on the excise; that the act of 1806 limited the time of prosecution for all crimes designated there, to three months after the fact; that the indemnity proposed by this bill came down no lower than January 1808; and that for all such offences since committed, the parties would still be liable to a prosecution.

Mr. *Bankes* was astonished at the introduction of the clause before that house, so contrary as it was to every principle which a British parliament had been used to respect and maintain. He regretted that it should have the support of his right hon. friend the English Chancellor of the Exchequer, and begged to ask what the house would think if such a clause were proposed in that house, to indemnify and protect the excise officers of this country, if it was known that they had entered into combinations to defraud the revenue? These latter would have been instantly dismissed to a man, and others found to fill their places. He was surprized to hear from the Chancellor of the Exchequer of Ireland, that persons who had been guilty of these frauds, were not only retained in their situations, but even their salaries had been raised, in the hope of securing their honesty and fidelity for the future. This he conceived to be a project totally hopeless; and he should have preferred, for the public advantage, their instantaneous dismissal, and the filling up their places with other men, however simple or moderate their abilities, against whom at least government had no experience of their dishonesty, to the continuance of men whose crimes for a series of years were avowed and even vindicated, and sanctioned by those whose peculiar duty it was to watch over the revenues of Ireland. Of the affairs of that country he was sorry to say, that the more they were investigated the more loudly they seemed to call for the correcting hand of that house. It was not wonderful that the people murmured at the increase of taxes, if that increase arose not from any necessity founded on the inadequacy of the taxes already imposed, but to make up for the frauds of revenue officers, who, instead of being dismissed and punished, were retained and indemnified.

Sir *Samuel Romilly* expressed his wonder that such a clause should receive the sanction of the right hon. the Chancellor of the Exchequer, contrary as it was to all the principles usually respected in that house. It was unsupported by any precedent in former amnesty bills; for it went to extend pardon not only to the comparative few who appeared to have acknowledged their guilt, but to the thousands who never make any acknowledgment at all; so that the house had no mode of measuring the indefinite extent of criminality which they were called on to vote. It was a direct attack on public morality, and held out encouragement to the revenue officers in England, to commit the like offence, for surely it was quite impossible the right hon. gent. would follow up with pains and penalties, the same class of persons in England for frauds on the revenue, in violation of their trust, or even against poor wretches defrauding the revenue, otherwise having no place of trust, but equally pleading the inadequacy of their incomes to the support of their families; while the revenue officers of Ireland, notoriously, and

for a series of years, guilty of such frauds, were to be indemnified, protected, retained in their places, and ameliorated in their circumstances. He trusted that house would never disgrace itself by the adoption of such a clause.

The *Chancellor of the Exchequer* was somewhat surprized at the indignation assumed by his hon. and learned friend at this clause, after the explanation which had been given; and spoke at some length in support of the clause upon the same ground as Mr. Foster. No man, he said, could for a moment seriously suppose that the clause was intended to sanction corruption or criminality, but merely to prevent the recurrence of similar abuses, without that inconvenience to the public service which the immediate dismissal of all the excise officers in Ireland must occasion.

Mr. *Calcraft* spoke of the clause in the strongest terms of reprobation, and asked, would the right hon. gent. venture to propose such a clause to that house in protection of the revenue officers of England, if they had been guilty of such crimes? He was a good deal astonished at several of the measures which had passed that house in relation to Ireland, since the administration of the right hon. the Chancellor of the Exchequer for that country commenced; but he owned this proposition surprized him more than all the rest, supported as it was by the speech and vote of the right hon. gent. (Mr. Perceval). To continue those fraudulent officers in their places, not only indemnified and protected, but rewarded and encouraged, was beyond every thing he had ever witnessed; and this, too, upon the pretence that men could not be found in Ireland to fill their places. He could not credit the assertion; he knew of no extraordinary talents it required to do the duty of an exciseman. But if no men fit to do these duties were to be found in that country, they should be imported from some other. It was ridiculous to suppose that men in the habit of living by their frauds, at four or five hundreds or thousands a year, could be rendered honest by the addition of thirty or forty pounds to their salaries.

Mr. *Marryat* gave ministers credit for the best intentions in supporting this clause, but thought they would be woefully disappointed in the result. In relation to the continuance of those fraudulent officers, with the hope of reform, he should be guided by the old proverb; "Never trust a reformed drunkard with the key of the cellar."

Mr. *Hutchinson* said, that the doctrine in support of the clause went to libel the country. If it went abroad, it would give an idea that there were no honest men to be found there; and if the members for Ireland did not condemn it, they would deserve the reprobation of their countrymen.

Mr. *Croker* defended the clause, and said there was no alternative but an immediate dismissal of all the excise officers in Ireland, and the abandonment of the revenue. He would not have voted for it, if it was to defend corruption.

Mr. *Babington* said, if he thought the clause would prevent corruption, he would vote for it; but could it be supposed that men who had been in the habit of receiving large sums from the distillers, and living up to it, would leave their habits for the advance of their salaries? It was contrary to all human probability, and was not to be expected; he should therefore give the clause his negative.

Mr. *Windham* was ready to admit, that if the fraudulent officers must necessarily be retained, the clause ought to pass of course; but he denied the necessity, and consequently must oppose it. Not only did he reprobate the idea of indemnifying men who had so grossly betrayed their trust, and defrauded the revenue, but that of retaining those men in their places, after the avowal and proof of such fraud. It taught those men to laugh at government, to set them at defiance, to believe that government could not do without them, and, of course could not dismiss them; and, under such feelings, was it to be expected such men would, for a trifling increase of salary, forego the temptation of gaining five times as much by fraud? and what sort of picture was this to hold out for their brother revenue officers in England?

The question being loudly called for, a division took place, when there appeared:

For the Clause ---------- 41
Against it ---------- 47

Majority against Ministers — 6

Mr. *Whitbread* said, that it appeared from papers on the table that the Storekeeper of the Magazine in Hyde Park never filled any military office, and he also understood that he was in possession of a sinecure office. He trusted that he would be removed before the next session: if not, he should feel himself obliged to make a motion to that effect.

[EAST INDIA PRIVATE TRADE.] Mr. *Prendergast* rose, to submit to the house a motion for papers which he had made the other day, but which had been withdrawn upon a point of form. As he had before explained himself sufficiently upon the subject, he saw no necessity for entering into it at any great length at this time. He maintained that his statement had not been overturned by any thing that had fallen from the hon. chairman (Mr. Grant). He had stated the law and applied it to the fact, and on both points he was perfectly correct. The hon. chairman had said, that he had derived his information from a memorial of some interested persons. He denied this, and observed, that he had not seen that memorial till after he had given his notice. The hon. gent. then entered more particularly into a statement of the grievances under which the Private Trader laboured, from the conduct of the Directors. He read the Order which they had sent out to India, in 1803, as to the rates of freight with which the private merchant was to be charged; which were, 11*l.* per ton during peace, and 14*l.* per ton during war. This rate was acted upon by the merchants, in their arrangements. No other order had been made on this subject till the 10th of August 1805. The hon. chairman had said, that this was the rate fixed during peace, but that a period of war altered the circumstances; and that an order had been immediately sent out to fix a higher rate. This the hon. gent. denied, and asserted that on the contrary, an order had been published, in 1805, confirming the same rates of freight that had been established in June 1803. The merchants, considering these as binding upon the Company, had made their arrangements accordingly. The hon. chairman had stated, that no extra ships had arrived in India in the years 1805-6, because these ships had been turned aside from their destination, for political purposes, over which the directors had no controul. But this was one of the hardships of which the private merchants particularly complained. They were unable to procure a supply of ships independent of the Company. They made their arrangements in reliance upon the Company; and then, when they most wanted vessels, the ships were taken away for political purposes, leaving the merchant completely in the lurch. This was an extreme hardship, and one to which the private merchant ought not, in any view, to be subjected; but more especially when the Company, by the act of 1793, was bound to afford every facility and accommodation. The hon. gent. next stated, that in 1806 it so happened that the Company had some spare Tonnage in their regular ships, and in these, therefore, the property of private merchants was conveyed from India to this country. The private merchants of course thought that as they had no alternative, they would only be subject to the rates of freight which the Company had promulgated. But when the goods arrived in this country they were charged with 44*l.* per ton, which as the directors had the power of exacting in their own hands, the merchants were forced to pay. He had before called this injustice and oppression, and he would now add that it was fraud likewise, because the directors had employed the power which they possessed to violate their own agreement, and to disappoint the just expectations of the private merchants. Mr. Prendergast proceeded to observe, that from 1805 till July 1807, no other advertisement had been published; and consequently in the year 1806 and part of 1807, the private merchants naturally concluded that they would be permitted to convey their property at the old rates. But to all this the hon. chairman had replied, that a specific bargain had been made by the merchants with the government of Bengal. He (Mr. Prendergast) himself was on the spot; he was a good deal interested, and yet he had heard nothing of any such bargain. He then remarked, that the directors had written to the governor-general in 1807, fixing the rates for the previous three years. The hon. gent. read the rates; season 1804, 30*l.* per ton in regular ships; season 1805, 32*l.* per ton in regular ships, and 22*l.* in extra ships; season 1806, 26*l.* per ton in extra ships, and 30*l.* 10*s.* in regular ships. Not satisfied with the agreement which they had made with the Chancellor of the Exchequer, for the accommodation of the Private Trade, they had sent out orders to their government in India to charge these high rates of freight there, while here, by the strong arm of power, they charged treble the rate which they themselves had fixed. An hon. gent. below (Mr. Wallace) had, on a former occasion, characterized his conduct as unjust; but when the house considered the facts which he had now stated, he was satisfied it would allow that he was fully warranted in retorting the accusation, and in saying that the proceed-

ing of the hon. gent. was not only unjust, but marked by a total ignorance of the subject on which he had spoken.—Mr. Prendergast then adverted to the propositions which the Directors had made to the Chancellor of the Exchequer, in which they had stated their readiness to afford the private trader every accommodation, and to allow him freight on the most reasonable terms. This obligation they had violated, and had subjected the private trader to the consequences of the prodigality with which they managed their concerns. But he maintained, that they had no right thus to waste the property of their constituents, and of the public, upon whom their debts must ultimately fall. He had laid before the house facts which it was impossible to controvert; and his statement, he contended, was in no respect either unjust or erroneous. He concluded by moving, That the copy of the Memorial of the Directors to the Treasury, in 1797, some time ago presented to the house, should be re-printed, &c. &c.

Mr. *R. Dundas* observed, that the observations of the hon. gent. were premature, as the act of 1793, and the other matters, would come under consideration, when the house was furnished with all the requisite information on the subject. These papers would not comprehend the whole of the question, and it was not therefore upon them alone that it ought to be discussed. He blamed the hon. gent. for censuring the conduct of the Directors, before the necessary documents were before the house.

Mr. *Wallace* maintained, that though the principal facts stated by the hon. gent. were correct, the inference which he drew from them against the directors was wrong. The hon. chairman had stated, that after the extra ships had been diverted from their intended destination for political purposes, the merchants themselves had requested to be allowed to ship their goods on board the regular vessels, upon payment of the same rate of freight as the Company paid, which was 44*l.* per ton; and yet this favour was converted into a charge of oppression and injustice. He wished the hon. gent. had condescended to explain one fact. The private merchants themselves, as ship owners, had let their ships to the Company at from 19 to 21*l.* per ton. How then could they expect that the Company should be able to re-let their own ships to them at 14*l.* per ton? The real state of the case was, that as to the charge in 1804, orders had been sent out after the advertisement to raise the rate on account of the war. The orders did not arrive in proper time, and the result was, that the directors had settled the account at 14*l.* according to the original advertisement.

Mr. *C. Grant*, repeated what he had formerly said, that the house could not properly come to a decision upon these points, till the whole of the circumstances came before it. The agreement in 1793, he observed, went no further than furnishing the private merchant with 3,000 tons of shipping. He next gave a short history of the transactions between the Company and the private merchants. The Company had resisted the project of carrying home produce in India built ships, but in 1802 an arrangement was made by which the Company engaged to furnish the private merchants with English built ships, subject to the regulations of the Company, at the low rate of 14*l.* per ton. But when the war commenced, it was necessary to raise the rate of freight, and orders were sent out to raise it to 20*l.*; but it having been stated that it had been already signified to the private merchants that the rate would be only 14*l.* for the year 1804, the directors acceded to this. As the war continued the expences rose, but still the charges were within what the Company themselves paid. His hon. friend (Mr. Wallace) had truly stated that the merchants themselves had charged the Company at the rate of from 19 to 21*l.* in 1803; and how could they expect to be supplied cheaper? As to the want of shipping at a particular period, he repeated that this had arisen from the vessels having been detained at Cork, Madeira, &c. for political purposes; and it was impossible that the Company could either controul this; or be ready with vessels to meet such an accident. In the year 1805 the private merchants had been furnished with tonnage, in the regular ships at the rate paid by the Company, and what more could they expect? There was no law or convention in this case that could give the character of injustice to these transactions. As to publications in the gazettes in India, he could not answer for these; but he could aver, that here the extra ships, in 1805-6, were charged at only 14*l.* with some exceptions from particular circumstances.

Mr. *Howorth*.—Mr. Speaker: As the state of the India Company must soon force itself on the attention of parliament, not-

withstanding any attempts to conceal facts, or suppress the evidence, I am not aware that any other benefit will result from the present motion, than that general information, which naturally arises out of such a discussion: With respect to the India Trade, undoubtedly, Sir, the restrictions and interruptions which have been imposed on the free merchants, and the extravagant price of freight demanded of them, have produced the effect of diverting the legitimate trade of India into clandestine courses, by forcing a great part of British capital to pass under foreign flags. But I think it rather unfair to charge the honourable Directors with making this exorbitant demand for freight, for whatever blame may attach to the expensive system under which they act, it surely could not be reasonably expected, that they should give facilities to the free merchants and promote their objects, by charging a lower rate of freight than the Company were paying, at a certain loss to themselves. Whenever a corrective shall be applied to the abuses of the Indian trade, it will probably be found to consist in this, in enabling the British merchants to bring their own goods upon their own ships, subject however to the supervision and controul of the East India Company, to be freighted and refreighted, to be imported and exported through their offices, the goods and merchandize to be deposited in their warehouses, in short, in a system, which will enable the British merchant and natives under British protection, to trade upon equal terms with the merchants of every other country: Do this, and you will bring the whole trade of India into the Thames, and for this plain reason. If the terms were equal, the security would be infinitely greater. Sir, I shall take this opportunity of adverting to a circumstance, which though irrelevant to the present motion, is not altogether unimportant. In May 1808, a Report was presented to this house by the Committee appointed to consider the affairs of India: in that Report an account current was stated between government and the East India Company, by which account it appeared that a balance was due from government to the Company of 1,500,419*l.* This account was signed by Mr. Wittwer, an authorized agent on the part of government, and by Mr. Wright the accomptant for the Company. In consequence of this Report it was moved by the right hon. the Chancellor of the Exchequer, that the sum of one million and one half should be paid to the East India Company in liquidation of this debt, leaving a balance of only 419*l.* due from government to the Company. In the annual account of the East India Company just printed, I find inserted as part of the Company's assets, a statement of, "By what due from government 960,000*l.*" It is true this charge is stated with this comment "that the Committee in their report having suspended for further examination such parts of the Pay Office demands as have been objected to on the part of the Company, the account is still open for further investigation." Sir, the fact is this, in the account signed by the authorized agents of the parties, two Items are admitted upon estimate, which necessarily is subject to revision; and one charge was suspended altogether, and very properly suspended, because the Pay Office accounts were not in that state of correctness necessary to conclude them, leaving that head of course open for further adjustment: But, Sir, I well remember when the million and half was voted in liquidation of the debt from government to the East India Company, an hon. friend of mine (Mr. Whitbread) put a question to the right hon. the President of the Board of Controul, Whether that account so settled was to be considered as final, and conclusive? and he was answered in the affirmative. I have taken this opportunity of mentioning this circumstance, lest such a paper suffered to remain upon the table unnoticed, may hereafter be taken advantage of. Another circumstance, I would mention, is, that various letters which I have received from India, concur in stating the discontents of the Company's officers, and the disaffection of the native troops. This is principally attributed to a system of foisting king's officers into the native corps, persons unacquainted with their language, and unused to their customs. At Bombay it was intended to mount additional cavalry, and it was ordered to be officered by king's officers from Madras: this excited such resentment on the part of the Company's officers, and such discontent amongst the native troops, to whom their officers were endeared by long services, and with whom for their gallant conduct at Bhurtpoor, they had received the thanks of lord Lake; that Mr. Duncan, the governor of Bombay, prudently withheld the publication of the order, and remonstrated with the government of Bengal on the subject. It has also been stated to me, that an order has

been issued for drafting off annually from every grenadier battalion 12 picked men, in order to form a crack corps. To the hon. Chairman (Mr. Grant) it will be unnecessary to expatiate on the mischiefs which may result from such measures. I had hoped that the mutiny at Vellore, at the same time that it afforded an aweful, would also have afforded an instructive lesson, of the absurdity of inforcing British regulations, upon Indian armies. On that occasion the lives of near a thousand men, of whom upwards of two hundred were British soldiers, were sacrificed to a turban and a whisker; if that pernicious folly had not been stopped, your whole native army would have been lost by it: If such a lesson and such an example be disregarded, are you equally indifferent about the consequence? I am sorry to observe, that in this house very few know what is doing in India, and I fear very few care.

Mr. *R. Dundas* admitted that he had allowed that the account between the Company and the public had been closed, with respect to the articles which they had under their consideration. Still, however, the Company might prefer a claim, but there might be also a claim on the part of the public to meet it, and till the Indian regimental accounts were audited, it was impossible to say how the matter exactly stood. As to the practices respecting the troops, he had good reason to believe that the hon. gent. was mistaken.

Mr. *Peter Moore* contended, that every paper ought to be laid on the table that tended to throw any light on the state of the India trade. He strongly objected to the notion, that the question was not to be discussed till the Company came to the house for a renewal of their charter. If no information was to be given till then, the private merchants would be left completely in the dark, and very hardly dealt by.

Mr. *Prendergast* observed, that he stated facts from unquestionable authority. The hon. chairman had said, that the Company was by law obliged to furnish only 3,000 tons of shipping. He had understood, however, they were obliged to furnish as much as the private merchant might find necessary to carry home his produce. He always understood that the quantity was to be regulated by the demand. The act on that point spoke for itself. He was surprised to hear the hon. chairman say, that the extra ships were only charged at the rate of 14*l.* per ton, at the very time that he himself had stated them to have been carried away upon some political expedition. He denied having ever heard of the bargain with the government of Bengal, to which the hon. chairman had alluded, and remarked, that no reply had been attempted to his statement of the rates of freight, that had been ordered in 1807.

The several motions were then put and agreed.

Mr. *Prendergast* afterwards, alluding to the circumstance he had mentioned on the former night, of the dismissal of Mr. Samuel Middleton, a servant of the Company, for being concerned in the trade of indigo, while the chairman of the Court of Directors (Mr. Grant) was allowed to bring that article home from India, in violation of the bye-law, that no Director should be concerned in any trading speculation, and considering what he conceived a partiality, as likely to produce an ill effect on the respect which ought to be kept up for all the transactions of the Company, moved "That there be laid before the house a copy of the Oath of office taken by the Court of Directors; the bye-laws of the Company, prohibiting any trade being carried on by any director; the bye-law making an exception in favour of Mr. Grant; and the Minutes of the Resolution of the governor and Council of Bengal on the subject."

Mr. *Grant* made a short explanation of the circumstance, as far as he was concerned, of the establishment of the trade in indigo, from India to this country, of which he was the original promoter, and in the manufacture of which he had embarked a very large capital. Upon his return from India, he had been elected into the office of Director, when no law existed against that board being concerned in trade; afterwards, in 1795, that law was enacted, and he upon that occasion stated his case to the Company, and the consequence was, that, upon two general courts it was agreed, that he did not come within the spirit of the regulation. If he were compelled to choose between his situation as director, and the giving up of his property, he should be compelled to elect the former. He, however, had no objection to the motion.

Mr. *R. Dundas* saw no ground for the motion, as there was no charge against the hon. chairman: and, if there was, it did not come under the jurisdiction of that house. The whole of it was, that the hon.

chairman having promoted a most important branch of commerce, was allowed to retain his property in it; this was no circumstance to induce a supposition that he would act contrary to his duty as a director; and it would be a bad reward for his past services, to deprive him and the Company of his future exertions.

Sir *John Anstruther* concurred in the same sentiments; and said that the Company had a right to make what regulations and what exceptions they pleased. The case was this: Samuel Middleton, a judicial servant of the Company, had, as such, taken an oath he would not be concerned in any trade whatever; in breach of which he had entered into a trade in the article of indigo; for which he had been dismissed their service. Where, then, was the resemblance between his case and that of the hon. chairman? He was decidedly against the motion.

Mr. *Peter Moore* declared, he had taken an active part in promoting the bye-law, which excluded all concerned in trade from the directory; if any one arraigned that, it should be in the India house, and not there. The fact was, the hon. chairman was not concerned in trading, but merely brought home the produce of his estate, like any other property. He advised the hon. mover to withdraw his motion, and apply himself to the India house, where he would find justice.

Mr. *Prendergast*, in consequence of what had been stated, consented to withdraw his motion, which, after a few words from the Chancellor of the Exchequer, who objected to it, as wishing it to be negatived, was agreed to without a division.

[MR. CURWEN'S REFORM BILL.] On the motion of Mr. Curwen, the house proceeded to the order of the day, for the further consideration of the Report of the Seats in Parliament Bill. On the question, that the Amendments be read a second time, Mr. G. Johnstone stated, that having some further observations to make upon this measure, he should reserve what he had to say till the question should be put, that the Bill be engrossed. After a short conversation between the Chancellor of the Exchequer, Mr. Bankes, and lord Porchester, the house resolved itself into a committee to reconsider the bill, so far as related to the first clause.—In the committee, the Chancellor of the Exchequer proposed an amendment, by which the penalty for making a gift or promise of money in order to obtain a return to parliament, was fixed at 1,000*l.* (besides the original 500*l.*), and the person so making a gift or promise of money was to be rendered incapable of sitting in parliament for the county, city, borough, &c. for which he should be in this manner returned. This amendment was agreed to, after a short discussion, in which Mr. Bankes, the Chancellor of the Exchequer, Mr. Ponsonby, the Solicitor General, and Mr. Tierney, participated. The Report was then brought up on the house being resumed, when Mr. Bankes moved an amendment to the amendment adopted in the committee, that the disqualification should operate as to the whole of the parliament, to which such undue return may have been obtained. A short discussion ensued, when a division took place. For Mr. Bankes's amendment, 49—Against it, 71. Majority 25.

On the re-admission of strangers, we found the house occupied in going through the various amendments of the bill. Upon reading the clause originally proposed by the Chancellor of the Exchequer, for imposing a penalty on persons transferring services for seats,

Lord *Milton* moved, that the word "express" should be left out of that clause. The effect of leaving that term in the bill would be to augment the baneful influence of the crown in parliament, by throwing into the patronage of the Treasury all the boroughs of the kingdom. But the bill had been so mutilated in all its parts, and was so ill calculated to effect its professed objects, that although he might succeed in persuading the house to leave out the term to which he objected, he should still feel it his duty to vote against the bill.

The *Chancellor of the Exchequer* contended, that if the word objected to by the noble lord were to be left out, the clause would be monstrous, and no person who might be returned after a contested election, could have any security, if he had at any time within the preceding seven years procured an office for a friend, that it might or would not be charged upon him as having been obtained with a view to the election. He was therefore of opinion that the word should stand in the bill.

Lord *Porchester* thought that nothing could be more puerile, or preposterous, than the bill with this expression in the clause. He contended, that neither a jury, nor a committee of that house, on their oaths, would put any but the fair construction

upon such grants as those alluded to by the right hon. gentleman. It was, in fact, required of them in this instance, to give that confidence to ministers, which they were not to give to the courts of justice, or to committees of that house. If they should adopt the clause with this word in it, what would the country think of them, but that they gave not only a pre-emption but an exclusive right to the Treasury, and that, too, at a time when they professed it to be their object to do away the practice of disposing of seats altogether? If they should not get rid of the word, he thought that they ought at least to get rid of the clause.

The *Solicitor-General* argued in support of the clause as it stood. He did not think that any very serious danger could result from its operation, because the administration could not possibly have at their disposal places enough to barter for all the seats for boroughs; but if they had, they could not do better than to give them to the friends of their opponents, and then they might get rid of them altogether. On the whole, he thought the particular wording of the clause absolutely necessary to the efficiency of the bill to its object; because the great purpose for which it had been brought in was to prevent the wholesale disposal of seats in that house for money.

Sir *F. Burdett* thought the bill itself so nugatory, that he felt no interest for its success; but he thought the zeal of the learned gentleman who spoke last had got the better of his prudence, as a member of the government. While he was arguing so strenuously against the amendment, he was always supposing such a corrupt state of things to exist, as absolutely made it necessary for something to be done. The whole effect which his speech had produced upon his mind was to make him think that the amendment against which he had argued ought to be adopted. He seemed to take for granted that the existence of administration was only to be preserved by corruption, which was precisely what this bill proposed to counteract. As to the distinction which had been taken between giving money and giving an office for the purpose of obtaining a seat, he was so far from agreeing with it that his opinion was directly on the other side. The learned gent. had said, that offices might be given innocently, but money never could, and the guilt must necessarily attach to the person giving money. He would allow that giving money was now prohibited, and therefore it was illegal; but if it was not that it was prohibited by law, he could not see how more guilt could attach to giving money, than to giving an office, or to any other species of corruption. He thought that of all species of corruption the giving of money was not only the least injurious, but the most innocent. If those boroughs must be still kept open for the purpose of traffic, it was the least mischievous mode of trafficking. He knew that it was a common saying, "the man who buys supposes that he has a right to sell," but he also knew many instances of persons who purchased their seats with the intention of acting independently, and who did so act. A member who came in as representative of his own money might act independently if he would; but those who were returned by the corruption of office, come into the house bound, as it were, hand and foot, and had not the power of acting independently. As to the pensioned parliament of Charles II. that had been so often thrown in the teeth of the Tory administration of those times, the excuse given was, that such was the modesty of those times, that many would accept a pension secretly, who would be ashamed to hold an office. In the present times it was also known, that many would accept a bribe when gilded with the name of an office, who would be ashamed to take a bribe in money. He, therefore, thought, that, of all manner of corruptions, corruption by offices was the worst and most dangerous. As to the influence of the crown, he always thought that the monopoly of the borough mongers was as injurious to the legitimate rights of the sovereign, as to the interests of the people. The argument of the learned gentleman had been defective in supposing that it had ever been represented that all the seats in parliament could be purchased directly by offices. What had been said was, that the patronage of the ministers would, when all competition was taken away, have a preponderating influence in the boroughs. Every body, however, knew that the patronage of ministers went much further than the word offices expressed. Government had patronage enough not only to purchase a majority of seats in that house, but to purchase almost the whole of them if they thought proper. It was from the speech of the learned gentleman, that he was convinced that the amendment was proper.

Mr. *Wilberforce* said, that the inconveniences which would follow from adopting the Amendment, appeared to him to be far greater than those which would follow from rejecting it. If this word, "express," were inserted in the bill, then it would be found impossible to convict any body under the strongest and clearest circumstances, to prove that guilt, which the object of this bill was to guard against. By leaving this word in the bill, they would be doing nothing less than proclaiming to the people, that offices, titles, situations and contracts, might be used secretly for the purpose of procuring seats in parliament; for unless it should appear to a jury, a judge, or a committee, that an express contract or agreement could be brought forward, no punishment should follow. He thought that when money was excluded from the market, offices, titles, and other favours which ministers had to bestow, would be more operative. If it were once laid down, that money might not be given, but that offices, contracts, and such like might, it could not be denied that these considerations were equally corrupt, and ought equally to be guarded against. He did fear that this one word "express" would do more to increase the influence of the Treasury than the rest of the bill would do to diminish it.

Sir *W. Lemon* was ready to agree to any measure for reforming the existing corruptions, but must unquestionably vote against the clause, if the word "express" were retained.

Mr. *Curwen* thought that the adherence of gentlemen to this word, did call very much into question the sincerity of their offers of supporting the bill. From what he had observed of the administrations of the country, the government appeared rather inclined to rule by numbers than by the affection which must result from promoting the happiness of the people. It appeared to him that this word would defeat the main object of the bill, which was to rescue the character of the house, and gain the confidence of the people. He thought the people would construe this clause as a mode of protecting that corruption, which it was intended to destroy. He certainly did think that the corruption of money was of all others the most debasing, but he contended both against the corruption of money and of office. If he could, however, remedy only one of them at present, he thought it was an object gained of too much importance to abandon the bill, even though loaded with clauses and provisions of which he did not approve.

Sir *John Newport* said that there was a double disadvantage in the corruption by office. The office was badly discharged, and the country had neither an independent member, nor a good officer.

Mr. *Grattan* agreed entirely with his hon. friend, in wishing for the adoption of the bill. The rejection of it might insure ministers a corrupt majority in parliament; the adoption of it would afford the people, at least, a chance of independence. He declared his intention to vote against the insertion of the term "express," although it was his determination to support the bill were that term even admitted to stand part of the clause. There were defects in the bill, which did not arise from the hon. mover, but were introduced from a quarter not equally interested in its success; still, however, he would support it, because it appeared to him to be a declaration of the common law of the land, and a reassertion of the constitution. By the common law of the land, any minister who procured by money seats in parliament was guilty of a breach of the constitution, and punishable by impeachment. He would suppose a consequence of that bill, which he was not inclined to admit in fact, that the entire monopoly of the purchase of seats would be exclusively confined to the ministers. If any minister did act upon such a principle by taking advantage of his exclusive possession of the market, he (Mr. Grattan) was certain that the notoriety would be enough to remove him. He would rather that the whole clause should be expunged than the word "express" should be retained, but at all events, he should vote for the bill, as he considered it the restoration of a constitutional principle; the common law was now practically repealed, and it required to be revived by statute. The bill (owing to its modifications) might not immediately produce the benefits intended; but it might operate slowly, and in the end produce such happy consequences. He was in favour of the oath; there were many other clauses which he considered advantageous, but so great was his attachment to the principle, that he would take it even destitute of those provisions.

Mr. Secretary *Canning* agreed with what had fallen from the right hon. gent. who spoke last. He thought that it was

of the utmost importance to the house and to the country, that this bill should pass. Compared with the advantages of passing such a bill, he thought the objections to any particular clause or amendment were unimportant. The principle of the bill was of more value than the details, and yet it appeared to him that the attention of the house had been this night distracted from the principle, in the consideration of the wording of this Amendment. If they were to look at the history of the bill, they would find that it originated in considering the broad fact of persons obtaining seats in that house by the payment of a sum of money. Another case afterwards arose in the course of the debate, of offices being transferred for seats. If, then, the house were now to provide remedies for the two cases which had been so stated, it appeared to him that they would have fully discharged their duty. The whole object of the clause introduced by his right hon. friend (the Chancellor of the Exchequer,) was, that the house should take care, while they punished the guilty, not to spread a net which might catch those who had disposed of offices with the most innocent intentions. He could not agree with those who thought that this clause, having the word "express" in it, so vitiated the whole bill, as to make it useless. He was sure that his right hon. friend who introduced it could not have intended it as a screen or protection to himself, for no one man could be freer from suspicion of such practices; but the danger of punishment was not so much for those who gave offices as for those who asked for them and obtained them. If this opinion of implied contracts were to prevail, a minister must no longer consult his friends upon appointments to office, but must go among the ranks of his political enemies, to consider who had been so decidedly hostile to him either in private life or in public, that he might venture to give him a place without suspicion of looking for a vote. We should soon see it in the papers that on such a day a gentleman went over to the other side of the house, and made a furious attack upon ministers, for the purpose of qualifying himself to hold a high situation. Suppose, for the sake of argument, his hon. friend, the member for Yorkshire (Mr. Wilberforce), should be asked to recommend any voter to a vacant place, say that of receiver general, why his catechism must be this:—"Did you vote or procure any vote for me at the election, or did any person in affinity with you, or any person connected with you, vote for me"? and if the voter answered in the affirmative, why his hon. friend must in prudence say—"Then I cannot recommend you, Sir, for there is a case in which the suspicion of an implied contract might arise, which, under the provision of Mr. Curwen's Bill, may expose me to the loss of my seat." [Hear! hear!] This would be the aukward situation to which members would be reduced. It was impossible that any minister could be personally acquainted with all the men that it was necessary for him to place in offices. He could only take the recommendation of his friends, and of those gentlemen, who, from their local situation, were acquainted with the persons, or their fitness for the offices to which they recommended them. If local influence was to be altogether abolished, it would be necessary in every office as well as in the Excise, to transplant men from Lancaster to Cornwall, or the most distant parts of the kingdom, in order that they might have no local attachments, nor the power of obliging any one by a vote. He hoped that notwithstanding the paternal feeling which the hon. gent. (Mr. Curwen) might be naturally expected to entertain for his bill, he would not altogether abandon it on account of this alteration.

Mr. *Whitbread* said, that if the object of the right hon. gent., was merely to entertain the house, and display his great command of the English language, he certainly had accomplished that object, as he had amused the house, and shewn his power of words; but if he expected to convince any single member of that house that the word "express" ought to be suffered to remain in the clause, he had completely failed. He had concluded by saying, he hoped the hon. gent. (Mr. Curwen,) would have too strong a parental feeling for his bill, to abandon it in consequence of this alteration. Although the original bill might be called the child of the mover, yet if that child had been changed, and another put in its place of very different features and complexion, he did not see that any parental feeling called upon him to adopt what was not so much his own child, as the child of the right hon. the Chancellor of the Exchequer. He thought light and darkness were not more opposite than the principle of the original bill, and the clause which

was now proposed to be amended. As to the history of the bill, he must beg leave to set the right hon. the Secretary right. It did not originate from a discovery that seats had sometimes been obtained for a sum of money, but it was at the time that the right hon. the Chancellor of the Exchequer was bringing in his Bill against brokers trafficking in places and offices, that his hon. friend had proposed to introduce a clause against trafficking for Seats in Parliament, which it was afterwards thought better to bring forward, in the shape of a separate bill. The necessity of some sort of a bill to prevent this corrupt traffic was made most evident by the specific and unmistakeable transaction of lord Castlereagh. He considered that that decision would remain on the records of the house, a lasting memorial of the intention of the house to screen delinquents. After that transaction, it was impossible that his hon. friend (Mr. Curwen,) should not have the corruption by the grant of offices, fully as much in his contemplation, as the corruption by money. If the right hon. Secretary would now lay aside all the fanciful suppositions and extravagant conceits with which he had amused the house, and come to sober reasoning on the subject, he thought it was impossible for him to say, that such a case as he had supposed for his hon. friend (Mr. Wilberforce,) or such topics as he had urged, could by any possibility have the least weight before any committee of the house, or any jury, or any man upon oath. He would indeed appeal to the right hon. gent. himself, dropping the extravagance of his conceit, whether he could seriously believe that any committee of gentlemen, upon their oaths, could possibly decide that such a case came within the purview of this clause, or whether any jury could so determine? Sure he was, that it would not require a tenth part of the ingenuity to guard against any such decision that was this night employed to palliate the proposition of ministers. The apprehension was quite fanciful, and the bill would, in fact, be nugatory, if this word "express" were not omitted. If it were retained, his full persuasion was, that its effect would be to protect the corruptions of government, and to deprive the people of any advantage which the bill was otherwise calculated to afford.—A right hon. and learned gent. (the Solicitor General) had stated, that if this word "express" was not to stand in the clause, the table of the house would be covered with petitions, which would have no other foundation but some of these implied contracts. Now, he would tell that right hon. and learned gent., that if he happened to argue professionally against the petitioners under such circumstances, he need not exert much of his zeal, or much of his eloquence, to persuade the committee that such petitions should be rejected as frivolous or vexatious. This being the case, the evil so much feared, of the table being covered with frivolous petitions, would be able to correct itself. As for the supposition of the ministers ever being obliged to go to their political enemies to recommend their persons to fill offices, that supposition could have been only made to produce a laugh: for he would venture to say, that if any of the opponents of the ministers were to recommend a person for a place, ministers would always shew sufficient firmness to resist such a recommendation. The alterations which had been made in the bill were in its most important and efficient parts. In the first place, the house could not bear that its members should be obliged to take the oath with the penalties of perjury annexed to it. Those who elected them were, however, obliged to take such an oath, and therefore it appeared that it was not intended that there should be any equal justice between the electors and the elected. The people must believe, that the reason the oath was left out was, that the house wished to screen corruption in its own members, and were afraid of their incurring the penalties of perjury. After they had thus got rid of the most operative part of the bill, they introduce this word "express," which they did not borrow from any act of parliament in existence, and which would effectually protect all corrupt proceedings of theirs in the disposal of offices. He would ask whether had this bill passed some time ago, gentlemen would not have been found to defend the traffic of lord Castlereagh with Reding, upon the ground that it was not an "express" contract? [No, said Mr. Perceval across the table.] Mr. W. declared his belief of the contrary; and, if the right hon. gent. thought otherwise, why did he defend the act of lord Castlereagh, which, according to the undisputed authority of the chair, was a violation of the law of parliament, and which law the

preamble of this bill declared to be the principle of the constitution? But he valued not that declaration of the law of parliament as much as other gentlemen did. What availed the recognition of a principle, if that recognition was accompanied by a palliative for its violation? If ministers were provided with a protection which would enable them to violate the law with impunity, the law would be utterly useless. Indeed it would be worse than useless—it would be mischievous; and, however the house might be deceived by such a measure, they might rely that the public would not be deceived by it. The public would see that a bill originally introduced to guard against the operation of undue influence in that house was so contrived in its passage through the house, as to aggravate the evil complained of by giving a predominant influence to government. In fact, such a bill, with the insertion of this word "express," promised no good, and threatened much harm. The people of England would naturally enough believe that this word had been introduced as a shield for all manner of corruption on the part of ministers, and to take away all protection from it on the part of the country. He had so strong an objection to this word standing part of the clause, that if it were to continue in it he should find himself obliged to vote against the bill.

Mr. Secretary *Canning* said, that in the case alluded to, with respect to the barter of a writership for a seat in parliament, it was determined that the intention of the agreement had not been carried into effect, and that was the cause of the transaction not being punished, which was an acknowledgment, that if it had been carried into effect it would have been punished, and this implied acknowledgment ought therefore to be satisfactory on that head.

Mr. *Lyttleton* said, he was a friend to parliamentary reform being brought about by moderate means, and as such hailed the present bill with pleasure; but the alterations it had undergone had changed its character, and reduced it to a mere nullity. He had expected much from this bill at the outset, but it had since been so mutilated, and would be so totally changed if the word objected to were retained, that he could not think of supporting the shadow when the substance was gone. He lamented very seriously the conduct of ministers, who were pursuing a course calculated to disappoint the reasonable expectations of the country, for that moderate reform which he would prefer to any violent change.

The question being loudly called for, the house divided and the numbers were,

For inserting the word "express" 97
Against it - - - - - - - - - - - - - - - 74
Majority - - - - - - - - - - —23

Upon the motion that the bill be engrossed,

Mr. *Whitbread* declared, that not expecting to be present at the third reading of the bill, he took that opportunity of declaring his most decided disapprobation of it as it now stood, as considering it at once scandalous and disgraceful.

Mr. *Curwen* declared his determination of supporting the bill even in its present shape, under the hope that it still would be productive of some good, for he could not believe that any ministers would dare to abuse the principle so openly acknowledged by it.

Mr. *W. Smith* conceived that the bill as it stood, if disgraceful to the house, as asserted by his hon. friend, would at least not be so to the bringer in of it. But he considered that the effect of it would be to narrow the entrance into that house, between the Treasury and the popular boroughs.

Mr. *Tierney*, though unwilling to accede to the bill in its present mutilated state, yet would not oppose it for the little good it might effect.

Mr. *Whitbread* declared, that in the present state of the house, after members had gone away, he would not delay the public business, by dividing it on the question.

Lord *Milton* had no idea of gentlemen retiring from their duty as a reason for not taking the sense of the house, where he felt his duty required it, and determined to do it on the present occasion.

Mr. *Ponsonby* said that under the understanding general on these occasions, he would be better pleased not to divide the house; but if it took place, he would give the same vote he meant to give on the passing of the bill. He was never better satisfied of any thing than of the purity of the hon. member who brought in the bill. But when he found the bill as it now stood contained only three lines and a half of that which was originally brought in, it would do more to destroy the Constitution than any act passed since the Revolution.

The house divided on the motion, when the question of engrossment was carried;

Ayes	84
Noes	33
Majority	—51

[SEDITIOUS SOCIETIES BILL.] Upon strangers being re-admitted to the gallery, we found the Attorney-General declaring his intention of abandoning his bill for amending the present acts for regulating Seditious Meetings. He declared he was of the same opinion as at first, that the present acts were sufficient; but others having expressed doubts on the subject, he had thought it right to regulate the supposed confusion. He gave notice that he would bring forward his measure early the next session.

HOUSE OF LORDS.

Monday, June 12.

[PROTEST AGAINST THE WAR TAXES EXTENSION BILL.] The following Protest against the passing of the War Taxes Extension Bill was entered on the Journals.

"Dissentient; 1. Because this bill purports to provide for the supply of the present year, by taking one million annually of the war taxes. 2. Because this new and dangerous measure has been introduced into this house at a period of the session when it cannot possibly receive that consideration and attention with which it ought to be examined by every branch of the legislature of our country. 3. Because no information has been laid before us to justify the enormous increase of the public expenditure during the last two years; and the consequent necessity of large and continual increasing loans. 4. Because the present measure is subversive of the principles on which the sinking funds and war taxes have been successively established and augmented; principles invariably adhered to under every change of men and measures during the last three and twenty years, and now first abandoned. 5. Because the system, of which this measure is, we fear, the commencement, will rapidly absorb all the extraordinary resources provided by the wisdom of parliament to meet the exigencies of war; and will, within a very few years, plunge the country into financial difficulties, such as have never yet been apprehended even by those who have thought most unfavourably of the resources of the country. 6. Because we consider this bill not only as a most improvident and injurious financial measure, but also as founded on political views peculiarly inapplicable to our present situation. Engaged in a long and arduous struggle, we are now adopting a policy which, in the same instant, diminishes our income and enormously increases our expenditure. We are doing this at a time when wisdom and justice equally require a more economical and providential policy; which, while it sacrificed no real prospects of advantage, and refused itself to no well-founded claim for assistance, should look with a much more jealous anxiety to the present interests and ultimate security of our own country; and establish, instead of delusive, temporary, and ruinous expedients, a solid basis of permanent resources; the only fit provision for a contest of indefinite duration, and in the issue of which our existence is involved.

SIDMOUTH.
ROSSLYN.
GRENVILLE.
CARRINGTON.
YARBOROUGH.

HOUSE OF COMMONS.

Monday, June 12.

[JUDGES' SALARIES BILL.] The house went into a committee on the Judges' Salaries bill.

Mr. *Bankes* proposed a clause to prevent the sale of the office of Clerk of Assize, and to render it an office during pleasure, in-instead of being as at present, during life.

The *Chancellor of the Exchequer* observed, that this office had not been sold during the time of any of the present judges. To render the person holding the office removable, however, at pleasure, would be to subject him to be removed at the discretion of every senior judge as he went the circuit. It was understood that this office was not in future to be sold.

The clause was accordingly withdrawn.

Mr. *Bankes* objected to the increase to the salaries of the Chief Justices in Wales. In this he was supported by Mr. Abercrombie, and opposed by Mr. Perceval and Mr. Ryder.—The clause was carried.

Mr. *Bankes* objected to the increase of the salaries of the Welsh Judges generally on the ground of the inutility of the continuance of the four circuits in that country, and of its having been recommended by one of the reports of the Finance Committee to turn the whole into one. The effect of the present increase to all the judges would only be, in the event of an

after compliance with this recommendation of the Finance Committee, to occasion a lavish expenditure of the public money, in causing an additional recompence in proportion to the increased salaries to be granted.

The *Attorney General* said, the idea of refusing to increase the salaries of the Welsh judges might have the effect of starving them out; but that, he was satisfied, was not the wish of his hon. friend. As to the idea of abolishing any part of the judicial establishment in Wales, he had never heard that this was desired by the people of that country.

Sir *A. Piggott* thought the augmentation essential to the dignity of the judicial character.

The Resolution was then agreed to.

Mr. *Bankes* proposed a clause for prohibiting Welsh judges from holding seats in parliament.

The *Chancellor of the Exchequer* dissented from any such idea. Those judicial characters from Wales who had been candidates for seats in parliament, had been the most distinguished persons from that country.

Sir *S. Romilly* maintained, that for the last thirty years the Welsh judges, with only three exceptions, had been chosen from among gentlemen of the profession who were members of that house.

Mr. *Lockhart* saw no occasion for the exclusion.

The clause was negatived.

Mr. *Horner* proposed a clause for preventing any one of the judges of the principality of Wales from practising as a lawyer during the period he ought to be going the assize.

The *Attorney General* objected to the clause, on the ground of there being no necessity for it; and that even a whisper would be sufficient to correct the practice without the aid of an act of parliament.

The clause was negatived. The other clauses were gone through, and the house resumed, when the report was ordered to be received the next day.

[CRUELTY TO ANIMALS BILL.] Sir *Charles Bunbury* moved the second reading of the bill to prevent wanton and malicious Cruelty to Animals. He said he was happy in the opportunity of shewing himself friendly to the cause of humanity, and was pleased with the thought that this bill was likely to experience no opposition. Cruelty to dumb animals was so prevalent, that it was impossible even to walk down to this house without witnessing barbarities shocking to their feelings; the practice was too common among youths, to the disgrace of their parents; and men in general disgraced themselves by their treatment of animals which contributed to their ease and to their comforts; this was exhibited in the practice of cutting off the tails of horses, and thus depriving them of the defence which nature had given them, from the annoying attacks of flies and other insects. The injury these animals also received from the carelessness and wantonness of drivers of mail-coaches, diligences, post-chaises, and slap-bangs, also called for legislative interference: he therefore hoped this bill would meet with the approbation of parliament.

Mr. *Windham* said, that however his sentiments might be represented, he should not vote for a bill of this sort, which went upon a false and spurious kind of humanity, calculated to do more mischief than the very abuses it meant to prevent. There was one scandalous defect belonging to the bill, and that was the gross partiality and inequality of its enactments. It fell foul of one class of offences only, while it left untouched an infinitely larger class, and in which the very members of the legislature themselves were implicated, such as hunting, fowling, horse-racing, &c. It would open, besides, scenes of infinite vexation and injustice, by means of informers and litigation, much greater, indeed, than those it was framed to prevent. Besides, the obligations which the bill enforced were all moral duties, of that imperfect obligation which did not admit of legislative interference. He should take another opportunity of opposing the bill more at length.

The Bill was then read a second time, and committed for to-morrow.

[MR. CURWEN'S REFORM BILL.] Mr. Curwen moved the order of the day for the third reading of the bill. Upon the Speaker putting the question that the bill be now read a third time,

Sir *T. Turton* took this opportunity of delivering his sentiments upon the general merits of the measure. He declared himself a decided friend to moderate and practical reform. It was his unequivocal opinion, that when eleven thousand persons exercised the elective franchise, for and in the name of eleven millions, gradual reform became absolutely necessary; but at the same time, he was equally sure,

that universal representation was universal nonsense. When, in the course of the discussion upon the present bill, it was openly asserted, and not contradicted, that the Treasury kept open shop upon every general election, for the purchase and sale of seats in parliament, could any one doubt of the necessity of some reform in the representation? Of course, then, he could not but agree to the principle of the bill. If, indeed, the measure proposed by his hon. friend (Mr. Curwen) had been carried into effect by the house, it would, in his judgment, have immortalized the present parliament; the bill, however, still contained, he thought, sufficient of good in it, to call for his assent to it. During the discussion of the clauses, a form of oath to be taken by the members had been proposed; this was objected to, and, after a debate of fourteen or fifteen hours, and when an attempt had been made by himself to modify it in such a manner, as, he thought, would have removed all objection, then came out, for the first time, the objection to any oath whatsoever being administered. This he considered as a principal fault. Another objection taken by those who supported the bill in its present form, was to the rejection of the word "express," in the clause prohibiting contracts for seats; this, in his opinion, rendered the bill so far faulty; but still the recognition of the principle that parliament had within itself the power of its own regeneration, was to be found in it, and, as such, he was determined on voting for it; owning, at the same time, that it had, in its progress, from its introduction to its present shape, greatly disappointed his expectation.

Mr. *Johnstone* strongly opposed the bill. In considering the present system of representation, as compared with the past scenes of our history, he was persuaded that there was so much virtue to be found, as should make them tender, at least, in applying remedies, without being enabled to foresee the consequences, which, according to the event, might turn out good or bad. Any change in the constitution of a branch of the legislature ought to be attempted with the greatest circumspection, for it was difficult, if not impossible, to anticipate the bad effects which might result from causes apparently of little importance. In illustration of this opinion, he instanced the Mutiny act, which no one on its introduction could have been aware would give a paramount power in the government to one of the houses of parliament. He acknowledged that the bill before the house had been very much amended in the committee, but he declared that he should vote against it, because it was the first of a series of intended innovations, and an acknowledgment in itself that a change was necessary in the constitution of the house of commons. Hitherto the proceedings of that house had been guided by the principle, that all remedies have gradually followed the developement of practical evils. (Cries of hear! hear!) The comment conveyed in the cheers of the hon. gentlemen opposite might have its weight, if it were true that the assertion, so often repeated in the course of the present discussion, "that the Treasury was a mart for seats in that house," was founded in fact; but he denied that any such case was or could be made out. In all former cases that house was in the habit of waiting till proof was made of the charge, and as it was not disposed to take assertion as a substitute for evidence, it would wait till proof was actually brought forward to substantiate the charge. Although abuses were proved to exist at the present day, yet, it was remarkable, that, during the whole of the present discussion, no one member had undertaken to demonstrate that less abuses had existed at any former period of the constitution; therefore he considered this result of the discussion, an essential benefit to the public, by demonstrating that there was no pretext to bring the constitution back to its original purity. For these reasons he voted against the bill.

Mr. *Abercromby* said, he felt himself bound to state his reasons for voting against the bill as it stood at present. When a motion was lately made in that house, to refer to a committee the consideration of the case of a noble lord, charged with having trafficked for a seat in parliament, the house had rejected the motion, and he had concurred in such rejection, not only because such practices were openly avowed upon that occasion, but because the present bill, in its original shape, had been at that time introduced by his hon. friend; and he had then hoped and believed, that the house would have set itself seriously to the work of purging itself.—However, as it appeared by the event, that the house had not thought proper to redeem the pledge, to which he considered it bound, he could not bring himself to vote for the bill in its present shape. He would agree

with the sentiment of the hon. baronet to take the good it offered, if he could find any such prospect from it; but he was convinced it could produce no beneficial result for the public, as its only effect would consist in adding to the influence already possessed by the crown. He could not believe the house was seriously disposed to put down corruption, or could be in earnest upon the present occasion, when every form of oath, intended as a test, was rejected; as nothing was more clear than that some sort of oath was necessary to prove the purity of the member possessing a seat. There was one remaining ground of objection, in his view of the case, against the present bill. The purchase of seats in parliament was said to be contrary both to the law of parliament and the law of the land; but the present bill did not designate as such, all agreements for that purpose, but only all "express" agreements. This was, indeed, a new term in a legislative enactment, and could only apply, in its plain and ordinary signification, to agreements under hand and seal. There was no man so mad as to involve himself in such a predicament as this, and they might as well and with equal consistency apply the principle to the case of murder, and expect that in all cases of proof, there should be witnesses present at the perpetration, to prove the deed.

Mr. *H. Thornton* declared himself in favour of the bill; although not as a warm friend to it, as having been altered so materially for the worse, in the course of its passage through the house. When doubts were found to exist respecting the purchase of seats, was it fair they should be left in the same state, especially when any thing which would have placed those matters on the footing of certainty might have been enacted and would have rendered so material a service? The bill certainly, as declaratory of the principle and of the law, he considered a good one, and so far desirable; and though the clauses which had been introduced tended in some degree to defeat the object of it, yet he trusted the publicity given to that object would serve to put down the practice it professed to abolish. If the will was evinced by that house, it must certainly have that effect. One complaint was, that the great personages of the state were engaged in the traffic for seats; and with what face could they notice the minor offences of electors taking bribes for their votes, when such a traffic was notorious? He thought it absurd and inconsistent to punish voters for selling their votes, and to leave wholesale corruption of the same kind unpunished. He hoped that parliament would at a future opportunity put down the practice of giving money to voters 14 days after the election, which was a mode of evading the Bribery laws. Upon these principles, he should give his support to the bill. He wished, indeed, the word "express" had been left out, though only applied to the incurring the penalties enforced by the act, as all cases of implied contracts for seats were, by the existing statutes, contrary to law.

The *Secretary at War* declared he would support the bill. He was not one of those who wished for any alteration in the present constitution. He was decidedly of opinion, that if the greatest talents of every age, assisted by every means, and supported by every facility, were to be brought together, they could not form a perfect constitution for any country at once. Evils could only be remedied as they successively arose. On these principles it was that he professed himself a warm admirer of the British constitution, and an enemy to what was popularly called Reform. He entertained the highest admiration of the British constitution, and thought that innovations might give the people more power in the house, as well as elsewhere, than was consistent with its principles. He saw no practical inconvenience from persons coming into parliament by means of their own money. It was in this way that talents and abilities were often introduced into the house; and as the vulgar error which asserted that money was given in order to make money was now exploded, he must say he was sorry this bill was ever entertained. He did not think it necessary to increase the popular influence; on the contrary, he feared that the current was running too strongly in that direction: the people might have too much influence within that house, as they might have elsewhere. He certainly wished the bill had never been introduced; but as it had been brought forward, he would vote for it; because, after it had been admitted, in the course of the discussion, that seats were bought and sold, that house could never without adopting some such measure, go back to the situation it was in, before the introduction of the bill.

Mr. *Adam* felt it necessary to state to the house the ground of the vote which he

meant to give upon this measure. He had at first been of opinion, that the measure ought not to have been entertained; but when he referred to the illustrious time of passing the Grenville Act, and found that no such cases of corruption had then been stated, as had lately been admitted in that house, he considered it impossible that the house could omit to endeavour to correct the evil by applying the necessary remedy. He had wished the bill, in its original form, to have passed; but the introduction of the word "express" into it, rendered it impossible for him to support it. The constitution of parliament, whether the members were representative or nominated, appeared to him the best practical system of representation, that ever existed in any country. It had been observed by an hon. member (sir S. Romilly) not then in his place, that the word "express" had never before been introduced into any act of parliament. This statement had not been denied by any legal authority in the house. As the bill then stood, he felt himself in this unfortunate situation, that he must either make a distinction between office and money, which he could not do, or entertain the question of reform in its broadest sense. The only way in which he could get out of this dilemma was to vote for the rejection of the bill, with an understanding that the subject should be brought forward in a more perfect form, early in the next session. He hoped, therefore, that gentlemen would turn their minds to the subject in the course of the recess. He suggested to gentlemen for consideration three defects in the existing election law. 1st, The want of a petitioner, who, in some cases could not at present be had; 2d, The circumstance that in cases of sale or bribery, no petition could at present be received after fourteen days from the meeting of parliament; And 3dly, The want of evidence. He had prepared some clauses to remedy these defects; but upon reflection he thought the best plan would be to reject the bill at present, and take the subject into consideration the next session. But independent of his general objection to the measure, there were other defects in it which rendered it impossible for him to support it. There were no machinery whatever to set it in motion: it wanted a clause to regulate the seats obtained by such means as the bill was intended to prevent. Penalties were undoubtedly recoverable in the courts of law; but nothing was provided with respect to the possession of the seats so obtained. A man might have the penalties recovered by action against him, and yet continue to occupy his seat in that house. The hon. gent. then proceeded to make some observations on the nature of burgage tenures, and insisted upon the propriety of extending the time for presenting petitions against this species of corruption. He proposed that any of the king's subjects should have the right of petitioning, even although he should neither be a candidate nor elector. The bill would be nugatory without giving such right of petition. Having maturely considered all these circumstances, he had altered his mind with respect to the amendments he had intended to propose, and should not therefore press them on the house in the present instance. He thought it right, however, to state on this occasion, that, in his opinion, the time for presenting a petition ought to be extended from fifteen days to one calendar month after the discovery of the offence; and that this right of petitioning should continue during the whole parliament. He proposed also, that to the right of petitioning should be annexed the right of costs, if the petitioner failed in substantiating his allegations. The hon. gent. concluded, by restating that he would not bring forward his amendments now, but would vote against the bill, under an understanding, however, that it would be brought forward in a more perfect shape next session.

The *Solicitor General* observed, that as the hon. and learned gent. had not produced his clauses to the house, it was not necessary for him to enter into the discussion of them. From what he could collect, however, from the hon. gent's. speech, it appeared to him to involve very novel regulations as to the election law, as founded on the Grenville Act. His clauses would introduce, for the first time, into that law, litigation by the common informer; and no member of that house could any day come down to his duty, without feeling it necessary to inquire whether any petition existed against him. The hon. and learned gent. had said, and upon the authority of an hon. and learned gent. not then in his place, that the word "express" was not to be found in any act of parliament. What, he would ask, would the house think upon this subject, if it should appear, notwithstanding all these learned authorities, that the word

"express" was to be found in an act of parliament, that, every day of his professional practice, came within the cognizance of the learned member alluded to. He referred to the statute of Frauds and Perjuries. In the 5th clause of the 29th of Charles II, which directed what was to give validity to a will, it was provided that the will must be signed by the testator, or in his presence, by his 'express' direction (A cry of Hear! hear!). It certainly was not connected with the word "agreement," but had been introduced for the same purpose as in the bill under consideration. He had mentioned this only with a view to shew how extraordinary a declaration had been made by the learned members on the other side. He was not disposed to pursue this subject further: the measure was a legislative declaration of the law; and when it should be so declared, he was persuaded that the practise which it was intended to prevent, would be discontinued, even without the intervention of a penal statute. It was his firm conviction that the offences complained of and admitted to exist, were committed only from an ignorance of the law; and he had no doubt that many hon. gentlemen, if aware of its being contrary to law, would never have committed the offence. Upon these grounds, he should give his support to the bill.

Lord *A. Hamilton* would have delivered his sentiments upon this measure, at some earlier stage of its progress, if he could have caught the Speaker's eye. He thought it extraordinary that any man, who valued the prosperity of this country, could suppose that this was not a subject fit for the consideration of the house. Several gentlemen had delivered opinions adverse to the principle of the bill; but he should not consider himself as faithful to his duty, if he did not protest against such doctrines. It had been said that this measure was an experiment; but was there not a more dangerous, a more alarming, and a more extensive experiment existing in the continuance of those abuses which this bill was intended to prevent? What would be the situation of that house, if no measure were to be adopted for correcting those corrupt practices which were universally admitted to exist? It was the duty of the members of that house, to see, either that the charge was unfounded, or to take care, that the practice should be altered. He had been a warm advocate for the bill, as it had at first been introduced; but it had been so altered in its passage through the house, that he should not be surprised if the hon. member who brought it forward, should now feel himself called upon not to support it. Not five lines of the original bill had been suffered to remain. He begged the house to consider what would be the effect of the bill as it had been altered, if suffered to pass into a law. It would throw the whole of the seats that remained saleable, into the hands of the Treasury, and upon these grounds he should feel himself bound to vote against the bill. He thought there would be a much better chance of producing an adequate and efficient measure, if it were suffered to lie over till the next session of parliament. It had been said by a right hon. gent., that the Resolution of 1779 was a sufficient security against the corrupt practices complained of: but when, in the course of last month, he had brought a distinct charge against a noble lord opposite (lord Castlereagh) a contrary Resolution was voted, namely, that as the agreement had not been carried into effect, no farther proceeding was necessary. As to what had been said with respect to the influence of property, he concurred in it so far as it was honourably and fairly exerted. What he condemned was, that it should be brought to an ignominious market, and be thereby made the instrument of subverting the integrity and independence of parliament. Such conduct, in his opinion, reflected disgrace upon the parliament. It had never, until this session, been admitted in that house, that seats were publicly bought and sold; or that the notoriety of the offence was to secure impunity for the guilt. If the house should not put a stop to this practice, it would be impossible to preserve its character, or to retain any portion of the respect of the public.

Mr. *Davies Giddy* did not rise for the purpose of retracting, or explaining away, any of the opinions he had stated on a former night. Those opinions he had formed by deliberate reflection in retirement, and they had been confirmed by his subsequent experience in life. He first had stated, that property and political power ought to be connected: he was still of the same opinion; but in standing up as the advocate of influence he did not mean to vindicate the practice of corruption. So far as influence could legitimately be exercised, it must extend to all property. He considered the landed in-

terest and the country as identified; and so far from admitting that the landed interest and the monied interest were correlative terms, he looked upon one as properly and constitutionally subservient to the other. He was of opinion, that an opportunity should be afforded to men of talents, and men possessing property in different parts of the empire, to obtain seats in that house, and sure he was, that that man would be a bad friend to his country, and a worse enemy to the constitution, who would exclude officers of the navy and army from parliament. It was his opinion that the crown should have the means to exercise an influence in that house. When parliament had formerly been assembled only to pass the acts proposed by the crown, then it might safely be as independent of the crown, as some gentlemen seemed to wish; but now a great part of the government was carried on in that house; and unless the crown had influence, the government could not go on. It was his wish and his firm conviction that the different branches of the legislature should and ought to be connected by means of this influence. If the branches were wholly independent of each other, such would be the effect of human frailties and passions, that they would be made to pull different ways. An hon. baronet, in alluding to an observation of his on a former night, that one week's confusion would do irreparable mischief to the country, had asked him, Whether he thought this measure would produce confusion? In answer, he had to state, that he certainly did not think so; but when so many gentlemen resorted to such various means of misleading the public, and exciting unfavourable impressions as to the public establishments—the state of the army, which uniformly drove the enemy before it wherever it came in contact with them—the possibility of saving many millions of the public expenditure—he thought that any measure, which would be the result of popular clamour so raised, or public delusion so kept up, would be dangerous in the extreme. It was his opinion, that abuses ought to be corrected: but before that house should resort to strong measures, it was necessary to enquire, first, whether the abuses existed; secondly, to consider the magnitude of the alleged abuses; and thirdly, to take care that an evil of small extent should not be followed by too violent a remedy. The bill before the house, he thought, would go a good way to correct the scandalous corruption which was admitted to exist; but then it would also have other effects, which he should deprecate. Yet, upon mature consideration, he was of opinion, that the bill would produce more good than evil; and under that impression he should vote for it.

Sir *Francis Burdett* rose to say a very few words upon the subject of this bill. The measure appeared to him to be wholly inefficient as to the provision of any adequate remedy of the abuses, if not universally, at least generally, admitted to exist. It would not, however, be inefficient for the purpose of screening corruption; and upon this ground he thought it ought to be called "A Bill for granting indemnity for past corruption, and for providing security for future corruption." He had been called up, however, particularly by the insinuations of the hon. gent. who had just sat down against the advocates of reform. He did not mean to say that he was insensible to these insinuations, or that he was not included among those to whom the hon. gent.'s inuendos and observations were intended to apply. But before he should proceed to take any further notice of these insinuations, he had one observation to make upon the hon. gent.'s arguments. In these he appeared to answer himself. In the assertion of the hon. gent., that political power should be connected with property, he entirely concurred, and the establishment of that connection was the great object for which he contended. But the hon. gent. had no sooner laid down this principle broadly, than he drew this corollary from it, that places which no longer retain any property, should still continue to possess a share of the representation, and consequently of political power. The two propositions were irreconcileable. The hon. gent. disdained that he should be thought a friend to corruption, and yet defended a system, which was the living source, the salient spring of all the corruption that existed in the state. He could not perceive what idea the hon. gent. had of corruption. But when the hon. gent. said that it was contrary to the principles of human nature that a man should take an office and not afterwards vote for the person who had procured it for him, he seemed to have a very strange notion of corruption in excepting such a case. What! was it not corruption, if the vote was to be given for a bribe received? and could it make any differ-

ence in the nature of the corruption, whether that bribe was given in the shape of valuable consideration in money or of a lucrative office? What he had to say relative to the insinuations of the hon. member, he should reserve for the last; insinuations applied to him and others, who tried in every legitimate way, and by all constitutional means, to procure advocates for what he looked upon as necessary, if not to the salvation, at least to the happiness and freedom of this empire,—a Reform in Parliament.—With respect to the bill itself, the hon. member who had brought it forward, ought to be the first to vote against it. If he should not do so, he would prove himself to possess a greater degree of mobility of opinion, a greater inconsistency of principle in adopting the opinions of those who opposed him originally, than he could suppose him capable of. How could he support a measure in which he could not find more than three lines and three quarters of the preamble of the bill which he had introduced?—He should hope, therefore, that the hon. gent. would not shew that he was attached with the fondness of a parent, to this supposititious offspring, this changling forced upon him as his legitimate production; or send out to the public with the weight and influence of his name, a measure which was really the child of the right hon. gentleman opposite. The hon. member had at first besought of the right hon. gent. not to melt down his measure, not to change its nature or destroy its identity, by his alterations and amendments. But when the bill had gone into the right hon. gent.'s crucible, it had been melted down completely, and nothing now remained but the dross. (Hear! hear!). The provisions which had been introduced into the bill would have a directly contrary effect from what was originally proposed by the hon. gent. The bill, as it then stood, would not only be an indemnity for past corruptions, but be an effectual plea in bar against any charges of that description, which might hereafter be detected. However scandalous any such transactions might be, this bill would afford a sufficient plea in bar against him or any other hon. member who should bring before that house such charges as had been made by his hon. friend (Mr. Madocks), against the noble lord opposite (lord Castlereagh). But what was the situation of the right hon. gent., with respect to this measure, at a time too when he had himself been accused of being a party to a transaction such as the bill was intended to prevent? Was it to be endured that the notoriety of such corruptions should be made a justification of their existence? If that principle were to be admitted, then it would appear that the modes of reasoning in that house differed widely from the modes of reasoning and interference adopted elsewhere. The judges of the land, when they had it in contemplation to put down any particular offence which had become notorious and frequent, took a different course from that which had lately been pursued in that house. It was not thought bad reasoning in them, when they wished to put down offences under such circumstances, to make severe examples of those who were guilty of them. But in that house, when ministers were charged with being guilty of these corruptions, and when it was admitted on all hands that they generally were practised, no punishment was to be inflicted at all! This was the more extraordinary, because they had in their hands means the simplest, the most constitutional, and the most consistent with parliamentary usage, for correcting the evil. It had been said, that the bill was only a declaration of what was the law already; and that the principle it contained had always been the principle of the common law against the scandalous traffic for seats in parliament. This, however, had been denied by the common lawyers; but, at all events, they had in that house the constitutional mode of putting down such offences, by applying the punishment it merited to the offence when detected.—As to the bill under consideration, it appeared to him originally, not only to be futile but mischievous, because he was convinced that its operation would have the effect of giving a monopoly of boroughs to the Treasury. It was not by such measures, that they could ever hope to correct the evil they wished to get rid of. By such measures, they would only establish a film and skin over the ulcerations of the foul corruption which was known to exist, and to pervade the whole of the political system under which the affairs of the country were at present administered. They must strike at the root of the corruption if they expected any success from their attempts to eradicate it.—He considered that what wanted reform in parliament was a vice which was inherent in the house, as it was now constituted, and which prevented it be-

ing the representative assembly of the people. It seemed to be generally allowed, that some sort of reform was necessary, and he was sure that this sort of reform was not that which the people expected, or the times called for. This bill, which was introduced as a measure likely to unite all parties, had turned out directly the contrary, as it had disunited in opinion most of those who had been accustomed to agree on other subjects. The house had lately heard the opinions of many of its members respecting their ideas of the constitution, and of the best means of correcting its notorious abuses, and restoring its primitive purity. It would be seen that hardly any two agreed upon the subject. One man said, this was the constitution, and another said, something else was the constitution. The only point that all agreed in was, that to their particular ideas of what was right and proper, they gave the name of the Constitution. He should be more precise in his definition of it; he borrowed his ideas of the constitution from the statute book, and for every one of those opinions he entertained, upon this most important of all subjects, he was prepared to quote chapter and verse in support of them. He knew there were many who laughed at the idea of bounding the constitution within the limits of the laws of the land.—The constitution appeared in those men's eyes as some sublime kind of mystery which it was hardly possible to conceive, and still more difficult to explain. His views of it were very different—he had been at all times perfectly ready to explain those views—and, if there was any ambiguity in the opinions he had delivered at any period, or in any place, upon that subject, he was sure it was unintentional on his part. He knew, however, that when the words, demagogues, public agitators, haranguers of the people, and enthusiastic reformers, were so often mentioned in that house, he was the person principally alluded to. He would not therefore continue any longer the butt of such insinuations, nor rest contented in that calumniated and denounced situation. He thought, that short as the duration of the session would probably be, the house ought not to break up contaminated, as it must appear in the eyes of their constituents, and unpurged of the corruption which had been proved to exist in it. He thought that they should give some pledge to the people before they broke up, as to the course they should hereafter be disposed to pursue upon this great constitutional question; and it was his intention to come down to-morrow, and move a short Resolution, pledging the house to take into their consideration, early in the next session of parliament, the grievances of the people, and particularly that grievance of grievances, the State of the Representation. He should take that opportunity to state explicitly what he did mean and what he did not mean, in order to put the house so completely and entirely in possession of his sentiments upon the subject, that there should be no farther room for those uncandid insinuations and calumnious imputations, which were daily thrown out against him. He certainly should not have thought of bringing forward a motion of that importance, if he had not maturely and thoroughly considered the subject, and perfectly made up his mind upon it. But he should reserve to that occasion the full explanation of his sentiments.—He concluded by giving notice, that he would to-morrow move a Resolution to the effect that he had stated.

Mr. *Curwen* rose and said: Mr. Speaker; I feel myself imperiously called upon to defend my own consistency in still continuing my support to this bill, notwithstanding the changes it has undergone, and its inadequacy to afford a complete remedy against the scandalous traffic which it was intended to prevent. It will be in the recollection of the house, when I moved for leave to bring in the bill, I then professed the measure I should propose would be one framed with a view of meeting what I conceived would be agreeable to the sentiments of a majority of members, rather than what would accord with my own opinion, as necessary fully to restore the confidence and respect of the country. I then felt some measures were indispensable, and I thought it more consonant to political wisdom, and more consistent with real intention of doing good, to attempt the obtaining some advantage towards so salutary an object, than to contend for what I knew to be impracticable; and thereby to leave matters as they were. I was fully aware of the mischief which might result from the discussion of such a question, if I should fail of producing some measure which might satisfy the country, and prove it was not the intention of parliament to abet and support practices, which threaten the destruction of this branch of the constitu-

tion.—Sir, I put it to any man within these walls, I appeal to every man out of them, if after what has fallen from the highest authority in this house, after it has been so solemnly declared, that if we take no steps, it will be in vain for us to deny, that henceforth the seats in this house may be sold with impunity—will it be contended, the suffering such an opinion to be promulgated through the country, were it only to the meeting of the next session of parliament, would not be fraught with great and imminent mischief.—Sir, this alone would determine my vote for the bill, was it even more defective than it is. —Gentlemen contend, nothing is gained by this; is the declaration of the law nothing? Is the putting a stop to the open sale of seats nothing? Greatly do I lament the right hon. gent. has so constructed the clause respecting office, as to make it liable to the imputations raised against it. I will do him justice, I do not believe it proceeds from any such intention; nor that it will afford the facilities gentlemen attribute to it; but I regret it, because it will deprive the right hon. gent. of the merit due to him and this house, of the credit that passing even such a bill ought to acquire it.—Sir, the measure is fraught with more difficulty than gentlemen are aware. I contended, and still contend, the sanction of an oath can alone render this measure effectual. In justice, however, to the right hon. gent., I must declare, that until the house shall come to some decision upon the 7th of William and Mary on the Treating act, it is impossible to frame any oath that might not entrap the most conscientious man in this house. It fell to my lot to sit upon a Committee with the right hon. gent. below me (Mr. Windham) when the provisions of this act were discussed, and after great diversity of opinion, we decided treating, or giving any thing for the maintenance and support of voters, bribery; on the same day another Committee came to a different resolution.—It is high time for the honour and dignity of this house, for maintaining the respect due to Mr. Grenville's tribunal, that parliament should come to some decision; and when this is done, then, and not till then, an oath may be introduced to render this measure efficient.—Will it be contended a declaration of law is of no value, when we have here a law as express as any law can be, but which the practice and decision of Committees has rendered doubtful. The practice of selling seats has become so common, that whatever may be the law, it has become a dead letter. If, in voting for this bill, I considered myself precluded from proceeding farther to make it complete, I should indeed be doing an injury to the country. I view it, Sir, as giving a greater facility in attaining the objects I want. I consider, as it has always been considered, that the first step towards reformation has always been found the most difficult; and heartily shall I rejoice, if the house shall resolve upon taking this first step. Will any man who views this, divested of prejudice, contend, that with that preamble upon your statute book—with the recorded opinion of the legislature upon the subject of corrupt sale of seats—with an enactment decisive against the practice of it as far as money is concerned; that it will be possible to continue the nefarious system, by bartering seats for office? Sir, I will take upon myself to say it will be impossible, such practices must be so open to detection, that no one will be found fool-hardy enough to attempt it.—The hon. baronet's (sir F. Burdett) opposition to the measure has been consistent. The alterations made in the bill can be of no consequence in his view of it; for had it passed as it was brought in, it would equally have had his hostility. I rejoice he has given notice of his plan of reform; the house will now be able to judge how far his ideas are practicable. I know, Sir, there are many loud in their calls for Reform, that dread nothing so much as this house making a temperate commencement towards it; who view such a step as putting an end to all the visionary plans which are afloat. Reform is a word in which there is much magic, every one applies it as a remedy to all the evils he sees in the government and constitution.—Sir, it is surprising, amongst the late Addresses and Resolutions for Reform, to observe those of a place of some note inveighing against the corruptions of this house, when it is a fact notoriously known, that for thirty years past, the worthy Electors of that place have had a fixed and settled price set upon their votes. What do these gentlemen mean? what is it they demand? Is it the liberty of putting themselves up to public sale? Sir, I am not a friend to any plan that shall go to make such a change as might endanger the constitution.—The first Reform I wish to see, is the introducing purity amongst ourselves, in order that we may impress upon the people, that they, no more than

us, shall be at liberty with impunity to abuse the elective franchise. When this shall be completed, then I should rejoice to see the elective franchise extended: Pass this law, Sir, and you will lay the foundation for salutary regulations, which must effect a reformation, both in and out of these walls.—If the bill passes, I shall feel pledged, if my health permits me, to proceed, and to endeavour to accomplish the object I had in view; if it fails, I leave it to others more able.—Reluctantly I undertook this business, and I am ready to own, I did not fully comprehend the difficulties I had to encounter. Indeed, Sir, it was not my intention to have done more than proposed my plan to a Committee, and left it to them to have carried it into effect.—The hon. baronet (sir F. Burdett) says, that this bill will operate as an indemnity for the past; where does he find any thing to justify such a declaration? I defy him to shew any grounds for it; if he can, let him point it out, and I will abandon the bill.—Sir, my situation is not enviable; I find myself opposed by those gentlemen with whom I generally think and act. For though, Sir, I never have been what is called a good party man, yet I have my prejudices, and from respect to the talents and abilities of the hon. gentlemen below me, on many cases I should be disposed to adopt their opinions; yet on a measure upon which I have been compelled to bestow much time and consideration, I have formed an opinion, and I think it more consistent to take responsibility upon my own opinion and conviction, than upon any authority, however high.—Sir, I have felt I had an imperious duty to perform, and acting up to what I conceive to be most for the dignity of this house, which I wish to uphold, and most for the advantage of the Empire at large, I am ready to encounter any calumny and odium that may attach upon me, having, what is the best consolation under all circumstances in life, the entire approbation of my own conscience in the vote I shall give.

Mr. *Windham* said, that he felt it necessary for him to make some observations, as the bill had been so completely altered in the Committee; that there was danger lest, in voting against it now, after having voted against it before, he should appear to be guilty of inconsistency. It appeared to him as full of objections in its altered state as in its original state; although the objections were of a different nature. His former objections rested, first, on the denial of that assumption which was made the foundation of the bill; secondly, that he conceived the reasonings by which it was supported, to be false, and dangerous in the extreme; and thirdly, that he conceived that it would open the door to infinite mischiefs. As to this implied corruption, if it is what the law had declared corruption, the law of course had also pointed out how it was to be punished; and if the utmost attention paid to the subject of these corruptions could produce nothing better than this bill, he thought the old legislators had done very well to stop where they did. He deprecated the bill originally, because he saw the difficulty of stopping at the point they might wish. It was easy to remove any abuse, if the removal of the abuse was the only thing to be considered, and if no regard need be had of the means to be employed, and of the mischiefs that might ensue. To take off a wen or other excrescence, the butcher would do as well as the surgeon, were no consideration necessary of what might be the consequence of cutting it off unskilfully. The real question would be, whether the patient would not be left in a more dangerous state than that of the original disease, and especially when it was considered that there were numbers who, instead of healing, would perpetually apply caustics to the wound. He thought the hon. gent. (Mr. Curwen) was himself somewhat inconsistent in voting for a bill so opposite in its nature and tendency to that which he had originally introduced. He seemed to think that it was better to get half his measure than none of it. "Half a loaf," it was said, "is better than no bread," but not so, half a reform. It was a gross error to suppose, as was perpetually done, that the half of an act by which a benefit might be obtained was any thing like half the benefit. For instance, if the grievance complained of was a beard of a month's growth, or a pair of those absurd whiskers with which the faces of some of our soldiers were now disgraced, and the barber should say he had not soap enough to hold out for the whole face, but he would shave half of it, would the person so shaved be considered as getting rid of half the grievance? and more especially if the barber should say, as in the present instance, that although he shaved the hair from one side of the face, it would grow so much thicker on the other, so that there would be precisely the same quantity, although only on one side

of the face (A general laugh). That was really the case in the present instance; for, as the hon. baronet (Sir F. Burdett) had observed, the removal of the competition of private wealth would increase the power of the treasury. By the amended bill, the hon. gent. (Mr. Curwen) might get half of his measure, but no part of his object. For his part, he was no enemy of the influence which the crown at present possesses. In considering the proper degree of influence for the crown to possess, it was necessary to consider the antagonist influence which it had to contend with. All manner of persons were usually conspiring against the government, and it was necessary that government should be strong enough to counteract them. As to the influence of the crown, it was well known that it succeeded to prerogative; or if gentlemen wished to see a country where no influence was wanted, they might turn their eyes to France. In that country that influence of the crown was unnecessary. If any officer in the customs, or any other department, betrayed the trust which was reposed in him, he could be led out and executed. In such a country there was no occasion for the crown having influence; it was sufficient that it had power. He considered it most degrading and impolitic for a government to comply with every temporary popular opinion; but he thought it more degrading still to endeavour to delude the people by giving them what was worse than nothing. The delusion, however, would not pass. The people, he was persuaded, would find out the trick, and would not be made to take Birmingham counters for sterling gold. The preamble, and the first clause of this bill, appeared to be merely calculated to deceive the people, and make them suppose that something was done, which was in fact not done. The people, to be sure, collectively considered, seemed to be made only to be duped. They were resolved always to be duped by somebody. They were duped by those haranguers, who told them that eleven millions and a half of the public expenditure might be saved. They were now about to be duped by ministers, who were ready to pass a bill, holding out a promise which could never be realized. As to the parental affection which the hon. member (Mr. Curwen) had manifested for his bill, it was surely of the oddest sort possible; for it was for a child not his own. The child was a perfect changeling, with no resemblance to the former either in features or colour.

Qui color albus erat, nunc est contrarius albo.

It must have been got by a negro slave. The indifference too of the hon. gentleman between this and the original bill, was not less extraordinary. It was much the same as in a case that he remembered of a gentleman who made proposals in a family where there were several daughters, and when the father inquired which of his daughters it was that was honoured with his choice, replied, "just which you please." Upon which the father was said to have replied, very properly, "since you are so indifferent, I think it may as well be neither." The case however was stronger here, daughters may differ widely; but they cannot properly be said to be contrary or opposite. "Substantia substantiæ non contrariatur." Whereas these bills were in that state of opposition as to be mutually destructive of each other. But the hon. mover was determined to have a bill, and provided he succeeded in that object, it seemed to be no part of his consideration what the bill was.

The *Chancellor of the Exchequer* felt extreme surprise that the gentlemen who in former stages of this bill professed themselves its supporters, should now evince a disapprobation of it as not tending to effect what they had first in view. In this particular, the character imputed to it in its present state was an extremely unjust one; and the hon. gent. who first introduced it, however he might feel disappointed in not carrying all his object into effect, yet acted with perfect consistency in assenting to it even in its present shape. What some gentlemen had said as to its not being adequate to the suppression of what was intended by the hon. gent., he did not really comprehend. The hon. gent. who originated the measure, had been himself convinced of the propriety of leaving out the oath, and therefore he thought that the amendments which he had proposed to the bill, were by no means of the nature that had been ascribed to them. The only material amendment in which the hon. member did not concur, was in the insertion of the word "express" as to the agreements respecting offices. He could say most sincerely that he had no other object in this amendment, than preventing persons from innocently incurring severe penalties. He so little thought that his amendments deserved the character which had been given of them, that those who

originally supported the bill, and now opposed it, exposed themselves in his opinion, to the imputation of never having been sincere friends to the bill, and seizing hold of the first pretence to vote against it. The right hon. gent. who spoke last had said a great deal, to shew that the bill was not calculated to answer its avowed end. He would ask, if a preamble such as that of the bill in question, pledging parliament against corruption, and all species of the corrupt traffic, was nothing? Was it of no importance, that the bill should in its declaratory part make those matters clear respecting the bribery laws, on which, among considerable authorities hitherto, there had been considerable variance? As to the introduction of the oath, he thought that the difficulties, the practical difficulties, resulting from it, seemed to be admitted even by the right hon. gent. who spoke last. He thought, however, he had no good reason to be satisfied with the rather uncandid manner in which he had been treated. Gentlemen seemed to have agreed in the principle of this bill, for no other purpose than to have a pretence for giving him a vexatious opposition in the committee, to whatever amendment he might, as a member, have felt it his duty to propose. With regard to the hon. mover of the bill, he regretted sincerely if he had failed in satisfying that gentleman of the sincerity of his support of the principle of the bill. He would again assure him of the sincerity of the motives which had actuated him throughout. He respected public opinion, as much as any gentleman, and endeavoured to act in consonance to it; though he believed, had he gone to the full extent in support of the bill in its original form, he would not have succeeded in satisfying popular clamour. Those parts of the bill, as it originally stood, which appeared to him to be productive of great practical difficulties, he had opposed, and now that the house had agreed with him in removing those objectionable parts, he sincerely thought that the bill in its present shape was calculated to do much good, and that it might now be safely passed into a law.

Mr. *Tierney* agreed with the Chancellor of the Exchequer, that before the house would rise that night, some one or other of its members would be exposed to imputations for insincerity of conduct in the progress of the bill then pending. He would not attempt to anticipate the public opinion, or say who would be the objects of their censure; and he thought that the right hon. gent. would have done well if he had acted in the same way, and abstained from those insinuations against the sincerity of others, when, perhaps his own might be equally questionable. When his hon. friend introduced the present bill, he confessed he hailed it as a source of real good to the best interests of the country; but since that period, the bill had undergone such changes, it had been so mutilated and defaced that its very principle was essentially altered, and consequently its operation and end must be widely different. He denied therefore that he was justly liable to any charge of inconsistency for now voting against the bill, for what he had originally supported was not that which he now opposed, and that was the reason why he opposed it. If his hon. friend meant, however, altered as it had been, to support the bill, he trusted he would do him justice as to the motives, that influenced him to oppose it. He had never been absent in any one stage of its progress, and now that he saw in what shape the bill was about to go out to the public, he must decline having any part whatever in passing upon them so gross and mischievous a delusion. In the first clause of the bill, as introduced by his hon. friend, the giver and taker of a bribe were placed on a complete equality, as to the penalty of 500*l*. In the present bill not a syllable of that clause survived; and all that was given in exchange for it was—what? A new preamble, which was not worth sixpence, its spirit being done away by the enactments which accompanied it. He would ask, was the omission of such a clause no material alteration in the nature of the bill? But the truth of it was, the right hon. gent. through the whole progress of the bill betrayed a great anxiety to throw a shield round the members of that house; there was no scruple in dealing out punishments to the electors, as the baser part, but there was manifested upon all occasions a wonderful jealousy for protection of the elected. Now, unfortunately, whatever was the cause, the public did not think precisely in that way. They did not think the members of that house, altogether above punishment. And though he never was, nor would be, the slave of popular clamour, he hoped he should never be backward in paying due respect to the fair and legitimate expression of public opinion; for, after all, it was the tribunal before

which that house was ultimately to be tried; and it must not be forgotten, that what gave rise to that bill was a disclosure, which led to a confession upon both sides of that house, of the existence of corrupt practices in procuring seats in that house. This was not a circumstance calculated to lull the suspicions of the public, but rather to make them look to their proceedings on that bill with great jealousy. The right hon. gent. who had thrown out such sly hints against the sincerity of others, had brought his own to rather a queer trial in the committee. He was a friend to the bill, and the moment he got it into the committee, he never stopped till he succeeded in making it as unlike the measure he professed to befriend as any measure could possibly be. The bill went into the committee with the clause of penalty; the clause respecting the oath, and that regarding the agreement for the grant of office; and before it is allowed to come out of it, the right hon. gent. had deprived it of altogether; penalty, oath, and office. As for the preamble, notwithstanding the fine eulogium the right hon. gent. had passed upon it, he thought it amounted to neither more nor less than nothing; the Bribery Act would not be carried into effect by it—and why? Because that might go to affect members as well as voters, and there was no saying too much about the tenderness the right hon. gent. manifested for the former, though, to be sure, it was a fine thing to talk big of mulcting a minister in the penalty of 1,000*l.* as if such a fine could be preventive. But this was of a character with the rest, and was only throwing a shield about the members; and yet if the sincerity of the right hon. gent. was appealed to, it might be difficult for him to account why there should be any difference between the elected and the electors; why the same offence in either, *mutatis mutandis*, should not be visited with the same kind of punishment? Why they both should not be put upon the same footing? Or why what was a misdemeanor in the elector should not also be a misdemeanor in the elected? Another material alteration in the bill was, that as it originally stood, the grant of office was made an offence like every other gift, and he could not see why the gift of office should not be considered as criminal as the gift of money, where the intention was the same. But the right hon. gent. insisted upon the introduction of the word "express," which did away the whole force and use of the clause. When that right hon. gent. acted as a new reformer recently, he took a different course with respect to his own measure. [Here Mr. Tierney read the passages from Mr. Perceval's Bill to prevent the Sale of Offices, and observed, that the term "express" was not included in that bill, nor ought not in the present].—But he could not believe it possible, that the right hon. gent. really meant to prevent the Sale of Seats in that house, as his conduct in the treatment of that Bill was totally irreconcilable with such an intention; and as to his (Mr. Tierney's) sincerity, he could only say, that wishing well as he did to the bill of his hon. friend, he must wish ill to the present one of the right hon. gentleman. He again adverted to the preamble, and said, there was nothing in it; it was joking with the public; it was laughing in their faces, and giving them more than pretence for saying to that house what Dr. Johnson said to Macpherson, "Hereafter I shall be more inclined to believe what you shall prove than what you shall say."—They indeed, said a great deal in all conscience, and it was now time for them to do something. The public had observed the course they had taken during the session, and would not be inattentive to the manner in which they would close their career. As to the right hon. gent.'s opposition, he believed it to be a government measure, and meant nothing personal towards that right hon. gent. Though his hon. friend was deserving of great praise for having introduced the bill, yet, after the alterations it had undergone, it would do him now but little credit; and he would advise him to take care that it should go out to the world not as his, but as the measure of the right hon. gentleman. For the reasons he had stated, he must oppose the bill.

Mr. *Wilberforce* said a few words against the bill. He thought that if the bill was suffered to pass, it would stand in the way of something better, and that on the other hand, if it was thrown out, something more effectual would be substituted in its place. Besides, if it did pass, there were some who might think that enough would then have been done.

The gallery was then cleared for a division; when we understand, three divisions took place. The first on the third reading—

Ayes - - - - - - - - - - - -	98
Noes - - - - - - - - - - - -	83
Majority for the third reading	—15

The second that the Bill do pass—

Ayes - - - - - - - - - - - -	97
Noes - - - - - - - - - - - -	85
Majority - - - - - - - - - -	—12

The following Amendment was proposed by lord Folkestone, as the proper preamble to Mr. Curwen's Bill:—"A Bill for more effectually preventing the Sale of Seats in Parliament, for Money; and for promoting a Monopoly thereof to the Treasury by the means of Patronage."

For the original Title - - - -	133
For lord Folkestone's Amendment - - - - - - - - - - - -	28
Majority - - - - - - - - - - - -	105

List of the Minority.

Abercromby, Jas.	Latouche, J.
Barham, J. F.	Lloyd, sir E. P.
Brand, hon. T.	Lyttleton, hon. W. H.
Browne, Anthony	Madocks, W. A.
Burdett, sir F.	Martin, H.
Colborne, N. W. R.	Maxwell, W.
Combe, H. C.	Milner, sir W.
Creevey, Tho.	Milton, lord
Cuthbert, J. R.	Parnell, H.
Ferguson, R. C.	Smith, W.
Folkestone, lord	Tavistock, marq. of
Hall, sir J.	Taylor, W.
Horner, Francis	Tracy, H.
Hughes, W. L.	Wardle, G. L.
Hutchinson, C. H.	Western, C. C.

HOUSE OF LORDS.

Tuesday, June 13.

[SALE OF OFFICES PREVENTION BILL.] On the order of the day for the third reading of this bill,

Earl *Grosvenor* complained, that the table was loaded at the end of the session with a great number of bills, each of which was of infinite importance, but so crowded together, that it was quite impossible for any noble lord, if he possessed ten times the faculties belonging to our nature, to attend with care to them. Last night a bill of the highest importance passed *sub silentio*, though it contained clauses most obnoxious to the country, respecting which it legislated; he meant the bill for draining the Bogs of Ireland; a bill which was nothing more nor less than a plan for enriching private individuals at the expence of the public at large. He considered the measure to be the beginning of a similar project intended for this country. But he then gave notice, that if the like should be attempted, he would give it every opposition in his power. With respect to the bill immediately under discussion, he thought it highly improper that the sale of the places of the Band of Gentlemen Pensioners, and that of Commissions in the Army, should be continued. His lordship also adverted to the same principle being recognized respecting the sale and purchase of Offices in the Law, which he considered as poisoning the source of justice.

The *Lord Chancellor* accounted for the crowded table, and the number of bills upon it at the close of the session, by the number that the commons had passed at that period. But his lordship observed, that in all times it had been the same case according to the number and proportion of bills before them. As to the transfer and disposal of Law Offices, he believed there was not on record an instance where the patronage bestowed on the Keeper of the Great Seal had been abused, from the Revolution to the present hour, although that patronage was a main link in the chain that fitted each noble person who preceded him in office during that period, to have the personal means of holding rank consistently and suitably with others of their lordships. As to the sale of Commissions in the army, he was of opinion, that instead of injuring, it benefited the army by preventing the admission of improper persons to hold rank therein.

The Earl of *Rosslyn* defended both the principle and the detail of the bill, and supported it strenuously.

Lord *Redesdale* perfectly coincided in the sentiments of his noble and learned friend, and contended that the Sale of Commissions under proper regulations, was rather beneficial to the army than prejudicial. It prevented adventurers from engrossing Commissions, and ensured to the army men of rank, respectability and consideration.

The bill was then read a third time, and passed.

HOUSE OF COMMONS.

Tuesday, June 13.

[SCOTCH JUDICATURE BILL.] Lord Binning brought up the report from the Committee on the Scotch Judicature bill.

Mr. *Horner* spoke at considerable length upon a great and oppressive defect existing in the mode of proceeding in the court of session in Scotland, and for which this bill afforded no remedy; notwithstanding

that the subject had occupied so much of the deliberation of the house of lords, both in a former and the present session. This defect was the necessity under which suitors were placed, when answering the allegations of their opponents, of first taking out copies of all the elaborate pleadings required to be entered by the other side, as records of the court, before they could proceed to any replication by plea or evidence. These pleadings, in some instances that came within his own knowledge, amounted to a volume of 1500 pages, the copy of each of which required the signature of an officer of the court, who must receive a fee upon each: and he had known instances where though the sum in litigation did not exceed 200*l.* or 300*l.* the fees of court alone amounted to 500*l.* or 700*l.* and one in such case to 1500*l.* Such an arrangement had long prevailed in the practice of the Scotch courts, for no other reason that he could see, than to create a revenue for the Scotch law officers; but it was a bar in the pursuit of justice wholly insurmountable to all suitors in ordinary circumstances; and even where a suitor was successful, and his antagonist chose to appeal to the house of lords, the parties could not proceed thither without taking out complete copies of the proceedings in the courts below, although not of the least use to them, nor competent to furnish any new light to his advocates before the higher tribunal. The hon. and learned member forcibly urged the necessity of easing the people of Scotland from that intolerable tax on the legal justice of their country, on the necessity of assimilating the proceedings there to those in England, and of extending thither the advantage of trial by jury in civil cases; and he thought this bill ought not to pass the house without such an amelioration of the judicature it purported to amend.

Mr. *R. Dundas* said, that a measure such as that recommended by the hon. and learned member could not be adopted, without a most important alteration in the legal practice of Scotland for 300 years, and therefore the house ought not precipitately to adopt any such proceedings, but wait deliberately, to hear the final opinions of the commissioners appointed to discuss the subject, and to examine it in all its bearings; and he knew that there were many of the highest legal authorities in Scotland, who differed in opinion on the subject.

Mr. *Abercrombie* admitted that the house should do nothing precipitately on the subject; but he was at a loss where to cast the blame, for the delay which had taken place in not bringing forward the final report of those commissioners to examine this subject; for whose appointment a bill passed late in the last session, although the commission was not signed by his majesty until last January. He understood that a majority of three commissioners were in favour of the alteration suggested by his hon. and learned friend; and that the only point on which they had not yet been able to make up their minds, was how the officers were to be compensated for the loss of fees that must accrue from the alteration. They had, indeed, suggested the transferring those fees to another quarter, but one equally objectionable with that on which they were now imposed.

The *Chancellor of the Exchequer* supported the opinion of Mr. Dundas as to the deliberate caution with which any alteration should be attempted in legal proceedings so long established. He admitted that it was desirable to extend to Scotland the trial by jury, but this only provided it was agreeable to those most concerned, and who best understood the usage and feeling of the country.

The Bill was then passed.

[FOREIGN PROPERTY IN THE FUNDS.] Mr. *Howorth*.—Sir, The subject to which I am requesting your attention was under discussion in the session of 1806. I must observe however, that, although it has been discussed, parliament has not been called upon to pronounce a direct opinion upon it. The motion then made for that purpose, was set aside on a point of form: my object is, to revive the question concerning the exemption granted to foreigners, holding stock in our funds, and not resident in the king's dominions, and to place the property of such foreigners, upon the same footing with that of his majesty's subjects. By an act passed in the 46 Geo. III. duties of ten per cent. were granted upon the dividends payable out of the public funds. In that act a clause was inserted, to exempt the property of foreigners residing abroad, from these duties; by the returns from the tax office it appears, that the average of the annual amount of this exemption, is about 65,000*l.* exclusive of foreign property in bank stock, of which no returns are made. It will not be argued that a saving of 60, or 70,000*l.* a year, to a country already in

debt upwards of 600 millions, and in the enormous annual expenditure of 80 millions, is immaterial. It is only in comparison with our debts and our expences, that this, or any other saving, can be called inconsiderable; even they who live on the public income have an interest in improving it, much more so have they, who are forced to pay it, who are harassed by the exaction, and crushed by the amount, of the taxes. The first question which presents itself is the policy of granting this exemption; that is, whether the loss the revenue suffers, and the abuse and inconvenience which attends it, is compensated for by the inducement it offers to foreigners, to invest their property in our funds. In order to weigh this correctly, we must advert to the state of our funds: we shall there find, that the interruption of foreign commerce, and other circumstances connected with it, have diverted a great part of the commercial capital of this country from its usual channel, and that an influx of idle money is forced into the stocks, for want of better employment. This, Sir, with the constant demand created by the sinking fund, has produced such a rise in our stock market, that brokers find a difficulty in executing orders to any large amount, so much greater is the proportion of buyers, to that of sellers. In illustration of this I would bring to the recollection of the house, the terms on which the Chancellor of the Exchequer negociated the last loan, at £4. 12*s.* 10*d.* per cent., a rate of interest, as he justly expressed it, at which money has rarely been borrowed by the public. Why then it appears that we derive no advantage from inviting foreigners to invest in our funds: but if we did, is there any probability of our losing it? Is any hon. member prepared to state where foreigners can deposit their property with equal convenience, with equal advantage, or with any thing like equal security? In fact, we are paying a high rate of interest to foreigners, for money which we can make no use of, with this additional injury, of paying that interest, not in exports, which might benefit our manufacturers, but in bullion, draining the country annually of nearly a million sterling in gold and silver. The exportation of bullion is a growing evil, and arrived at a height which calls for the serious attention of government. The next object for consideration, is, the abuse which attends this clause of exemption; it is true the act has provided an oath, and a penalty, to guard it from fraud, but the temptation which the facility of evasion affords, and the difficulty, I may almost say the impossibility, of detection, renders it highly probable, that under the pretended name of foreign stockholders, considerable defalcations of revenue take place. I would ask for whom are we making these sacrifices! For men who spend their property in other countries. It is curious to remark, if an alien resides in England you tax him, but, if abroad, you grant him an exemption. By this clause, you are taxing your friends to support your enemies, you tax your own subjects to throw it away upon foreigners, you harass the already overburthened people of this country with an additional taxation of nearly 70,000*l.* annually, to make up the deficiency occasioned by this clause of exemption, which, as far as it goes, is a supply to the enemy; you help to fill a spunge which Buonaparté squeezes at his pleasure. What is the return you meet with for this indulgence? implacable confiscation of British property in every part of the globe. But, Sir, it has been argued, that the property of Foreigners in our funds ought not to be taxed, because the proprietors are not represented in parliament. The stockholders of this country have one common interest in the funds, and perhaps no property in this country is more fully represented: the Alien stockholder is in the proportion of about one to thirty. Can there be a doubt then that the property of Aliens in our funds, is virtually as efficiently represented, as if they were resident in this country? What is the situation in which a foreign stockholder stands? By becoming a purchaser in our funds, he places himself in the situation of the original subscriber, subject to the same conditions, liable to the same contingencies, standing precisely in the shoes of the party from whom he purchased. The incidental circumstance of an Alien's purchasing English stock, neither can, nor ought to change the condition of the stock; for, carry this to its full extent. Suppose the whole national debt was held by Foreigners, it would, under this clause of exemption, undermine the whole contribution raised by this tax; that is, you must then pay the subjects of Buonaparté eleven or twelve millions a year, to help him to carry on a war, by which he hopes not merely to conquer, but to annihilate this kingdom. With regard to justice and good faith it may be insisted on, that the principle of

exemption having been in fact admitted by parliament, has produced a confidence, which ought not to be disappointed. Sir, I would not betray any confidence, I would not break any faith, I would not take them by surprize, for, considering the Alien stockholder as a mere money lender to suit his own convenience, I would give him timely notice of the terms on which I would receive his money, leaving it to his option afterwards to consult his own convenience. With this prospective view I move, "That this house should early in the next session of parliament take into consideration the expediency of discontinuing from and after the 5th day of April next 1810, so much of the clause of 46 Geo. III. as provides an exemption for the duties on the annuities, dividends, and shares, &c. &c."

Mr. *A. Baring* contended, that the saving of the comparatively trifling sum of 60,000*l.* a year should not be put in competition with the character which this country had always maintained for honour and good faith, and which enabled it to draw its resources even from those nations with which it might be at war.

Sir *T. Turton* maintained that the taxing of the funded property of foreigners, was perfectly consistent with justice and policy. The only point upon which there could be a doubt was, whether the funds ought to have been taxed at all; but this having been determined in the affirmative, there was no reason why foreigners should not be placed on a footing with the subjects of this country.

Mr. *Fuller* thought, that as the property of these foreigners was protected, as well as our own, at an immense expence of blood and treasure, it was but fair that they should bear a share of the burden. There were a number of foreigners who got their living in this country; and some who were even said to make their 6,000*l.* a year by warbling and pleasing people's ears: in God's name let them have it, if people chose to give it them; but when we were compared to a ship in distress, and not knowing where to look for new taxes, he thought we should make them pay something for the protection of their property.

Mr. *Hawkins Browne* considered that imposing this tax would be a breach of public faith, and that even taxing those who should hereafter purchase in our funds would be impolitic and unwise. He could only consider foreigners as liable to personal taxation.

The *Chancellor of the Exchequer* felt himself bound to oppose the motion. Such a Resolution as was now moved, to undertake a future consideration of the subject, would not be binding on the house, or a sufficient warning to the stockholder, and therefore he could see no necessity for now entertaining it. Whenever this question came to be discussed, it would not be on the point of conveniency to the revenue, but of justice. When the subject was formerly agitated, the difficulty that occurred to him was, what distinction ought to be drawn between the British subject and the foreigner, and he could not see why the latter ought to be exempted from bearing a part of the public burden with the former. The pledge of parliament had been misunderstood. It was that the funded property, which was most easily come at, should not be made the prominent object of taxation, and not but when it was taxed in general with every other species of property in the country, he could see no ground for imposing it altogether on British subjects. He would not however enter into the discussion of the subject now. At this late period of the session, when it was said the house ought not to be called on for a decision, he thought it equally inconsistent to call on them for a pledge, which was to bind them next session. It was therefore the impropriety of the time, which called on him to oppose the motion.

Mr. *Tierney* said this question had frequently been agitated, and always decided in favour of the foreigner. The foreigner would think, if we made him pay the income tax now, we only spared him formerly, because, when property was only taxed at the rate of five per cent. it was not worth while to make him liable to its operation. But now that it amounted to ten per cent. it appeared to us an object of importance, and that circumstance annihilated our pity. He thought such a change in our conduct would operate to our disadvantage, as a similar step did formerly against France. He did not think the foreigner who had placed his fortune in our funds, relying on the good faith of the country, ought to be forced to pay the income tax, or sell out at a great loss; but he had no objection to the duty being imposed on all future purchases.

Mr. *Dent* thought foreigners, in depositing their money in our funds, consulted their own interest only, and therefore ought to be liable to the income tax.

Mr. *H. Thornton* spoke on the same side.

Mr. *Howorth* in reply said: The hon. member on the same bench (Mr. Baring) having admitted (and few are more conversant in business of this nature), that it is not to our advantage to grant these exemptions, and having expressed his belief, that should they be removed, it would not occasion any change of stockholders, has granted the impropriety of continuing them on the score of policy; but the hon. member's opposition to the present motion, and indeed the whole objections made by those members who have spoken on the subject, are grounded on the supposed injustice, and breach of faith to foreigners, in now withdrawing these exemptions. I had hoped that I had met objections of this nature in the terms of the motion, and that by giving timely notice of our intentions, we could not fairly be charged with injustice or illiberality. In truth we have never been bound to foreigners, any more than to British subjects, and if upon a plea of necessity, you have broke through the acts and provisions made in the reign of queen Anne, if you have violated all the acts from that time to the present day, which have uniformly provided for the payment of the dividends at the bank of England, without any deduction whatever, I would ask upon what principle of justice it is, that foreigners should be exempted from the effect of a financial resource, raised for the support of government, and the protection of that property in which they have voluntarily, and for their own convenience, become proprietors; their property is protected, and they are bound in justice to contribute their share of the expence of that protection. The right hon. the Chancellor of the Exchequer seems indisposed to commit himself to any pledge on the subject, at this late period of the session, and as the subject is important, I am not desirous of pressing it to a decision now. I shall therefore beg leave to withdraw the present motion, intending again to bring it forward at an early period of the ensuing session.

The motion was then withdrawn.

[AMERICA.] Lord *H. Petty* rose, pursuant to notice, to move for certain Papers relating to the attack on the Chesapeake, in addition to those already on the table. The Instructions given to Mr. Erskine on that subject he thought ought to be produced, as well as the communication he must necessarily have made to government, explaining the motives for his recent conduct; for without them, no judgment could be formed of the degree in which he had violated his Instructions, or, indeed, of the general conduct of the American government. If the right hon. secretary, from information which he might possess, should state to the house, that the Instructions given to that gentleman could not be made public without detriment to the public service, he would not press his motion for the present; but the communication from Mr. Erskine, in which he assigned his motives for making those arrangements with America, which had excited so much attention, he thought of such importance, that it ought to be immediately laid on their table. The noble lord concluded by moving, "That there be laid before the house a copy of the Instructions given to Mr. Erskine on the subject of the Attack on the Chesapeake, as also any communication that his majesty's ministers might be possessed of from Mr. Erskine, explaining his motives for making the late arrangements with America."

Mr. Secretary *Canning* thought the reasons he should give for not concurring with the motion would be satisfactory to the noble lord. It had been rumoured abroad that Mr. Erskine had not departed from his Instructions: he thought it was proper to prove to this country, to America and to the world, that such a report was not founded in fact. The fact whether the arrangements he had made, were or were not in conformity to the Instructions he had received, was the point in question. The papers already produced were, he thought, sufficient to substantiate the fact of Mr. Erskine's having gone beyond his Instructions. He had, indeed, the admission of the noble lord, that the arrangement was concluded without due authority. This was the main point which government, in justification of the measures they were under the necessity of adopting, were anxious to establish. All farther discussion of the subject at this moment, would not only be attended with inconveniences, too obvious to put him under the necessity of repeating them, but might possibly endanger the success of ulterior arrangements. The point necessary to establish was, that the Instructions were not followed, and of that the noble lord seemed convinced. With respect to the conduct of Mr. Erskine, nothing was said of it but what the absolute necessity of the case ex-

torted from government. The proceedings of that gentleman were productive of very great embarrassment to his majesty's ministers. On the very day that his last dispatch was dated, the arrangement which he took upon himself to make with the American government was made public in that country; and in the course of a few days after, property to the amount of many millions was probably loaded for this country. The noble lord supposed that some verbal assurances were obtained by Mr. Erskine, to the effect of the stipulations contained in his instructions. That was a point upon which he could not be expected to satisfy the noble lord; but if any such assurances had been obtained, they must have been of so satisfactory a nature, as to induce government to act upon the faith of them p nding any ulterior security. They must have been such as to induce ministers to acquiesce in an arrangement contrary to the principles by which it was to be defined That this was not the case it would not be difficult to infer from the circumstance of government being compelled to disown the arrangement. He hoped the house and the country would believe, that if the three points which Mr. Erskine was instructed to require had been obtained, there existed in his majesty's councils a disposition to permit the neutral to carry into effect by himself the principle of the departure from the Orders in Council, and not to resort to the harsher measure. That the first of these three points was not obtained was evident from the papers on the table. This was in fact the most important; it was the *sine qua non* of the arrangement, that America should maintain her non-intercourse system against France. The third stipulation was not even touched upon. This, though of considerable importance, was not of that paramount consequence that the first was. Government had the right and the power to prevent neutrals from trading with France, and it was mere matter of courtesy to propose any arrangement to the American government on the subject. Now, let the house see in what a situation the relations between this country and America might be placed in consequence of this arrangement. The Non-Intercourse Act was to expire on the 20th of May, and, in the arrangement of Mr. Erskine, there was no stipulation for re-enacting it, as against France; so that our Orders in Council might be rescinded at the very moment that the trade between France and the United States might be perfectly open. The better half of the agreement into which Mr. Erskine was authorized to enter into with America was, that she should shut her ports against France, and this could only be done by her reviving the non-intercourse system as against that power. There was another question of a curious sort respecting the Non-Intercourse Act. When this country determined to make atonement for the injury committed against America in the affair of the Chesapeake, it proposed, through the medium of Mr. Rose, that the proclamation for excluding British ships of war from the waters and havens of the United States, should be recalled: this was refused. Any power receiving an injury from another, with whom she is in friendly intercourse, has certainly a right to call for atonement for that injury: but if without waiting to see whether it will be granted or denied, she takes her retaliation into her own hands, her right to atonement from that instant ceases. America, therefore, in resorting to retaliation, sided *pro tanto*, with France. Upon the change of the executive government in America, it was understood, that there was a disposition in the new government to come to an immediate arrangement on the subject of the Chesapeake. The proposal was therefore renewed. How that proposition was received by the secretary of the American government was evident from the correspondence that was published. How far that gentleman was disposed to re-establish the former relations between the two countries; how far he was inclined to strew the path of reconciliation with flowers, any Englishman who read that gentleman's note might judge. By Mr. Erskine's arrangement, our Orders in Council were to be rescinded (they are so in fact at this moment, for they cannot be put in force as against America for a limited period;) and this great price was to be paid—for what? Why, for six weeks liberty to trade with America. If this agreement had been transmitted to government for its approbation, no disclosure would have been made on the subject. But government was under the necessity of coming to some determination on the subject within 24 hours; and being resolved not to sanction it, it was necessary to make the disclosure contained in the papers on the table, particularly as it was said, that the arrangement was agreeable to the Instructions to Mr. Erskine. But

these reasons would not justify any farther disclosure; such disclosure might prejudice existing or future negociations, and embarrass that ulterior arrangement, which he hoped would be terminated satisfactorily. There was another point in Mr. Erskine's Instructions to which he found it necessary to allude. He was instructed to procure an interdict of all commerce, as well between Holland as France; for upon what plea could the former be entitled to any exemption? If she were a dependent power, she must follow the fate of France. If she were an independent power, and still submitted to the dictates of France, she was the more blameable, and was therefore the less an object of indulgence. How these instructions were fulfilled, would appear from the correspondence of Mr. Erskine already before the house. He must have known that Holland was exempted from the operation of the Non-Intercourse Act. But it had been suggested that he might have had private assurances, that Holland would be placed on the same footing as France. What! after it was specifically stated in the formal act, that it was not to extend to Holland! But doubts were entertained as to its being applied to the kingdom of Italy, the iron crown of which sits on the head of the ruler of France! If any doubt existed that Mr. Erskine had gone the full length of the concessions he was authorized to make, without obtaining the whole three, nay, not even one of the points he was instructed to demand, the person who entertained such doubt had only to read the papers already before the house. If these did not remove it, nothing that he could say or produce would. He felt himself under the necessity of opposing the motion for the reasons he set out with stating. This was not the proper time to enter into the discussion of the policy of the arrangement with America; and as the pending negociation might be prejudiced by further disclosure, he trusted the noble lord would see the impropriety of granting the papers he called for.

Mr. *Morris* vindicated the conduct of his relative, Mr. Erkine, and abstained from making that reply to the right hon. gent. which his speech seemed to call for, lest such reply might call forth a discussion tending in the slightest degree to interrupt that system of conciliation now likely to take place between the two countries.

Mr. *Marryatt* thought the motion, as far as it concerned the affair of the Chesapeake, totally irrelevant to the present juncture. With respect to the dispatch, he thought if it were produced, that so ought the answer of his majesty's ministers, in order that the house might have sufficient evidence whereon to found its decision.

Mr. *A. Baring* entered into a detail of our correspondence and intercourse with America. He thought Mr. Erskine must have obtained some substantial concession to the demands of England, with which we were at present unacquainted, and on which he grounded his treaty.

Mr. *Stephen* combated the arguments in favour of the motion. He was of opinion that America, in all her proceedings, had no wish to promote an impartial course with respect to France and this country. It was the business of that house to take care lest France should triumph in these negotiations, and lest England should now sanction decrees which she had before arraigned, and desert measures to which she had at other periods given her support. At all events, in his opinon, discussions in that house could not tend at the present crisis to promote amity between the countries.

Lord *H. Petty* declared, that as a partial disclosure had already been made on this subject, all he wanted, both for the sake of public utility and private justice, was, that such disclosure might be made as ample as possible. It had appeared, however, from the speech of the right hon. gent., that a negotiation was now pending, to which such disclosure might prove dangerous. Since this was the case, he was willing for the present to withdraw his motion, until a disclosure could be made without difficulty on the subject.

The motion was withdrawn.

[SINECURE PLACES.] Lord *Ossulston* moved as a Resolution, (after a short conversation upon the point of Order between the Speaker, lord Folkestone, and the Chancellor of the Exchequer), "That it is the opinion of the house, that the existence of Sinecure Offices, and Offices executed by deputy, is unnecessary, and inexpedient as a means of remunerating public service:—That Pensions, if granted, as on some occasions it may be proper that they should be granted, for more than one life, may in all cases supply the place of the said offices, and whether granted by parliament, or placed at the power of the crown, to grant, under limitations with

respect to amount, and with regulations for bringing them under the immediate notice of this house, will provide for every object to which Sinecures can be usefully applied;—That, in pursuance of this principle, this house will, at the earliest period, take into its further most serious consideration, the means of effecting the Abolition or Regulation of all offices of the above description, and especially with respect to such of the said offices the emoluments of which have increased beyond all precedent or expectation at the time they were granted, and are capable, from their amount, of being applied with material benefit to the service of the state." The noble lord prefaced his motion, with a speech of which no part was audible in the gallery. The motion was negatived without any observation.

[CRUELTY TO ANIMALS' BILL.] On the motion for going into a Committee upon this bill.

Mr. *Windham* said, that his first and general objection to the Bill was, that the object of it, however commendable, was not such as to become a fit subject of legislation. For this opinion he had at least a pretty strong voucher, in the universal practice of mankind down to the present moment. In no country had it ever yet been attempted to regulate by law the conduct of men towards brute animals, except so far as such conduct operated to the prejudice of men. The province of criminal legislation had hitherto been confined to the injuries sustained by men. This fact, though affording a pretty strong presumption, (sufficient, one should think, to make us pause, and not hurry through the house, with hardly any discussion, a bill of so novel a character,) was yet, he would confess, not absolutely conclusive. It might be right, that 'all this should be changed;' that what was now proposed, should be done, though it had never been done before. But the question was, at least, of some importance, and not to be decided without more discussion, than had hitherto taken place, or could now well be expected before the sessions would be at an end. The novelty of the subject, not in its details or particular application, but in its general character, was a topic not brought forward, as an objection, by the opposers of the bill, but claimed and insisted upon by its authors. In a pamphlet, circulated with great industry, (and of equal authority, as coming from the same source with the bill itself,) it was expressly stated, and with no small triumph, that the bill would form a new era of legislation! Two reflections arose upon this; first, that we ought to take care, to be cautious at least, how we began new eras of legislation; secondly, that we ought to have a reasonable distrust of the founders of such eras, lest they should be a little led away by an object of such splendid ambition, and be thinking more of themselves than of the credit of the laws or the interests of the community. To have done that which no one yet had ever thought of doing; to have introduced into legislation, at this period of the world, what had never yet been found in the laws of any country, and that too for a purpose of professed humanity, or rather of something more than humanity as commonly understood and practised; to be the first who had stood up as the champion of the rights of brutes, was as marked a distinction, even if it should not turn out, upon examination, to be as proud a one, as a man could well aspire to.

The legislature, however, must not be carried away with these impulses, of whatever nature they may be, but must consider soberly and coolly, whether it might not be something more than mere indifference or want of thought, that had kept men, for so many thousand years, from attempting to introduce this new principle, as it was now justly called, of legislation; and whether, in the attempt at present, they might not do far more harm than good.

Of the desirableness of the object speaking abstractedly, there could be no doubt. As far as wishes went, every man must wish, that the sufferings of all animated nature were less than they were. Why they were permitted at all, was a question, as had been observed by a great and pious writer, which must for ever continue to perplex mankind, as long as we were allowed to see only in part. But there was not only the wish that suffering universally should, if possible, be less than it was, but there was a duty, he was ready to admit, upon man, (the only animal, it was to be observed, that took cognizance of others pain,) to conform himself to that wish, in the little sphere to which his influence extended. Morality itself might perhaps be defined, 'a desire rationally conducted to promote general happiness,' and consequently to diminish general pain; and he was far from contending, that the operation of that princi-

that as no reward was given, no temptation would be held out to informers. The passion here alluded to was one of great account in human nature, though not so often noted as it ought to be, namely, the love of tormenting. There was a book written some years ago, commonly ascribed to a sister of the author of Tom Jones, but really the work of a lady of the name of Collyer, which treated of this passion, under the title of 'The Art of ingeniously Tormenting,' and after illustrating, with great acuteness and much nice observation of character and manners, its operation in various relations of domestic life, as, how to torment an humble companion, how a wife should torment her husband, and a husband his wife, concluded with a chapter, entitled 'General Rules how to torment 'all your Acquaintance.' It would be found by any one who perused this book, how much there was of this principle continually in operation, of which he had often witnessed the effects, without at the time having understood or attended to the cause. But frequent as these instances were, as seen and described by the author referred to, they were nothing in extent and amount to those which were carried on, under a new and more enlarged head, which did not come within the scheme of her work, nor fall, possibly, within the scope of her contemplation, viz. the art of tormenting people in the name of the public good, an art which seemed to have been gaining ground considerably in our days, and to have had a larger share in the acts of the legislature, as well as to have produced more annoyance in society, than people were commonly aware. Here the trade of course was wholesale, and carried on upon a large scale. And it was not to be told how eager the passion was, when animated and sanctioned by the auxiliary motive of supposed zeal for the public service. It was childish for people to ask What pleasure can any one have in tormenting others? None in the mere pain inflicted, but the greatest possible in the various effects that may accompany it, in the parade of virtue and in the exercise of power. A man cannot torment another without a considerable exercise of power—in itself a pretty strong and general passion. But if he can at once exercise his power and make a parade of his virtue, (which will eminently be the case in the powers to be exercised under this law) the combination of the two forms a motive, which we might fairly say, flesh and blood could not withstand. Young's 'universal passion' had not a wider range, nor a stronger influence, than the union of these two feelings.

In what a state then should we put the lower orders of people in this country (for it was they only who would be affected) when for the sake of punishing some rare, and hardly-heard-of enormities, (the narrow but only rational object of the measure) we should let loose upon them a principle of action like that above described, armed with such a weapon as this bill would put into its hands? All the fanatical views and feelings, all the little bustling spirit of regulation, all the private enmities and quarrels would be at work, in addition to those more general passions before stated, and men be daily punished by summary jurisdiction, or left to wait in gaol for the meeting of a more regular tribunal, for offences, which were incapable of being defined, and which must be left therefore to the arbitrary and fluctuating standard, which the judge in either case happened to carry in his breast. The bill, instead of being called A Bill for preventing Cruelty to Animals, should be entitled, A Bill for harrassing and oppressing certain classes among the lower orders of the people.

The manner in which it would be thrown upon them, and the scandalous injustice with which it would be attended, might be exemplified by one of the instances set forth by the authors of the bill themselves. The cruelties suffered by post-horses was a favourite topic. But on whom was the punishment to fall? on the post boy or on the traveller? On the post boy, who was the only person who would be seen inflicting these severities? or on the traveller, who sat snug in the chaise, having only hinted to the post boy, that he meant to dine at the next stage, and that if he should not bring him in in time he would never go to his master's house again, nor give him any thing for himself.

This case of post horses belonged also to another head, to which he would now proceed; namely, the objections to the bill on the score that it was doing that by law, which if people were sincere in their feelings, might be done by other methods. Laws never ought to be called in but where other powers fail. Upon whom was the whole force of this bill to be discharged? what were the instances which were uppermost in every one's mind, which had been first cited as proofs of the

necessity of such a measure, and in which indeed the bill either would or was intended to act? Why, the cruelties inflicted on horses by grooms, coach-men, post-boys, carmen, servants in husbandry, or others, to whom such animals were entrusted. But whose property were these? Why, the property of persons, who had some, (generally great,) power respectively over the several classes of persons above enumerated?. Why do not these masters and owners exert themselves in earnest, in punishing such offences whenever they come within their cognizance, or are even known to them in a way which, though sufficient for them to act, would not authorize a legal process? But, no; they are often the direct parties, the parties interested in, and the parties instigating, the very cruelties or severities which they affect to decry. One of the favourite instances in the fashionable female circles, as they are called, of this town, and who appear by the bye to have been very diligently canvassed, are the cases with which they have been continually shocked, of coachmen whipping their horses in public places: an instance by the way by no means of magnitude enough to call for the interference of the legislature. But be its magnitude what it will, why must the legislature be called in? are there not means (sufficient probably for punishing the offence adequately in each instance, but certainly for preventing the practice,) in the power possessed by masters and mistresses? But apply to any of these ladies, and satisfy them, after much difficulty, that their coachman was the most active and the most in the wrong, in the struggle, which caused so much disturbance at the last Opera, and the answer probably would be, 'Oh! to be sure; it is very shocking; but then John is so clever in a crowd! the other night at Lady Such-a-one's, when all the world was perishing in the passage, waiting for their carriages, ours was up in an instant, and we were at Mrs. Such-a-one's half an hour before any one else. We should not know what to do, if we were to part with him.' Was it the coachman here who most deserved punishment? or was it for the parties here described to call for a law, which was to lay the foundation of a new era of legislation, and to operate with great severity and most flagrant injustice upon whole classes of people? A similar instance would be found in the case just alluded to of the traveller and the post horses. Whose fault was it, in nineteen cases out of twenty, that these sufferings were incurred? the traveller drives up in haste, his servant having half killed one post-horse in riding forward to announce his approach; the horses are brought out; they are weak, spavined, galled, hardly dry from their last stage. What is the dialogue that ensues? does the traveller ever offer to stop on his journey, or even to wait till the horses can be refreshed? such a thought never enters his head; he swears at the landlord, and threatens never to come again to his house, because he expects to go only seven miles an hour, when he had hoped to go nine; but when the landlord has assured him, that the horses, however bad in their appearance, will carry his honour very well, and has directed the post boys to 'make the best of their way,' the traveller's humanity is satisfied, and he hears with perfect composure and complacency the cracking whips of the postillions, only intimating to them, by-the-bye, that if they do not bring him in in time, they shall not receive a farthing. What revolting and disgusting hypocrisy was it in persons daily witnessing without remonstrance, or acting in such scenes, who would not sacrifice the smallest particle of their convenience in consideration of any pain that was to result from it, to be inveighing with such exaggerated sensibility against the cruelties practised on the brute creation, and calling for a law to punish them; much of that cruelty being incurred in their service, and under their own immediate inspection and orders! Where was the justice of punishing the inn-keeper here? who, if he refused his horses, lost his customers, and his means of livelihood; or the post-boy, who when once employed must perform the task assigned him by such means as he had, and must ply his whip till the pain or threat overcome the pain of the effort, which the horses had to make in order to go through their stage?

Such were the proofs of the injustice of the law, and such the proofs that no law, just or unjust, was necessary, even in the cases to which it applied. But what should be said of the flagrant and horrid injustice, of withdrawing from its operation and cognizance, a whole class of cases, which, if such a bill was to pass, could not, one should think, be allowed to stand an instant, as being more than any others in the very line and point-blank aim of the statute, and having nothing to protect

them, but that which ought in justice and decency to be the strongest reason against them, namely that they were the mere sports of the rich? Was it to be endured or believed, that a legislature setting about the great and original work of enacting laws to prevent the sufferings of the brute creation, should still reserve to themselves, and that too by a most invidious and oppressive code, the privilege of killing animals by a cruel and lingering death, in mere sport and wantonness? The reason assigned for this extraordinary omission, by the author of the bill, might be suspected as having been intended in mere mockery. It was said that being *feræ naturæ* (a learned distinction, but never before, surely, applied to such a purpose) they were not entitled to the protection of man? But why, because they did not ask his protection, were they to be liable in consequence to be persecuted and tormented by him? On the contrary, if he did nothing for their good, he ought the rather to be required to do nothing for their harm. They would perish, it was said, if left to themselves, often by a cruel death. But what was the animal, man not excepted, that was not liable so to perish? If this argument was good for any thing, it might justify, in pure kindness, our killing one another. Another danger was, that they would become so numerous as to overrun the earth. But this danger, formidable as it might be in respect to other animals, certainly did not apply to one great class, with which notwithstanding we made pretty free, namely the fishes. After all, when humanity was the question, what connection was there between the necessity of destroying those animals and the right which we claimed of being ourselves the destroyers? It was very disinterested, no doubt, in all the higher orders of people to offer themselves gratuitously as vermin killers to the rest of the community; but it was an odd choice for them, as men of humanity; particularly as it was found, that these vermin were encouraged and protected for the sake of being afterwards killed, and certainly by a mode of destruction in many instances, not capable of being exceeded in cruelty by any to which they could naturally be liable. Even in the case of sheep and oxen, which must, it is admitted, be killed, and might be killed possibly by a gentleman with as little pain as by the butcher, we should think it an odd taste in any one, to be desirous literally to kill his own mutton, and to beg of his butcher that he might be allowed on the next slaughter day to take his place. It was in vain therefore by such wretched evasions and subterfuges to attempt to disguise the fact, that if with such a preamble on our statutes, and with acts passed in consequence to punish the lower classes for any cruelty inflicted upon animals, we continued to practise and to reserve in great measure to ourselves the sports of hunting, shooting, and fishing, we must exhibit ourselves as the most hardened and unblushing hypocrites that ever shocked the feelings of mankind. He did not know any thing, that could so justly call for a measure, which he had always been among the first to resist, a parliamentary reform. Strongly as he had always declared against such a measure, as wholly uncalled for by any thing in the practice of parliament as now constituted, he must fairly confess, that if it should appear in any instance that so scandalous a distinction could be made between the interests of high and low, rich and poor, he should be not a little shaken in his opposition, and must be driven in a great measure from that argument, which, as long as it could be maintained, was conclusive against every such proposal, namely, that there was no class in the community whose interests, even as parliament was at present constituted, were not upon the whole fairly taken care of. What a pretty figure must we make in the world, if in one column of the newspapers we should read a string of instances of men committed under 'the Cruelty Bill,' some to the county gaol to wait for trial at the assizes, some by summary process to the house of correction; and in another part, an article of 'Sporting Intelligence,' setting forth the exploits of my lord Such-a-one's hounds, how the hounds threw off at such a cover; that bold Reynard went off in a gallant stile, &c., and was not killed till after a chace of ten hours; that of fifty horsemen who were out at the beginning not above five were in at the *death*, that three horses *died* in the field, and *several* it was thought would never *recover*; and that upon the whole it was the most glorious day's *sport*, ever remembered since the pack was first set up! Was it possible that men could stand the shame of such statements? that this house which tolerated such sports, nay, which claimed them, as the peculiar privilege of the class to which it belonged, a house of hunters and shooters, should, while they left these untouched,

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called for a law, there was not more of a fondness for persecution, and lust of power, than of real concern for the interests of humanity.

It must at all events be more by manners than by laws that any good could be done upon this subject. Animals used in the service of man were left unavoidably so entirely at his mercy, were exposed so much to clandestine mischief, and could so little make known their own injuries, that it would always be a question, whether an attempt to protect them with vindictive justice, would not subject them to more ill treatment than it was likely to guard them from. If manners could not protect them, miserable indeed must be their condition, in spite of all that law could do for them. It was not possible, in the nature of things, that law could with so much precision define the duty as to be able to ensure the performance of it. It was a duty evidently of that sort which are called imperfect obligations; of which the definition is, that though equally binding in conscience with other duties, they are not capable of being inforced by law. They must in consequence be left to morals. Let them be inculcated upon that footing in every possible way, from the pulpit, from the press, by precept, by exhortation, by example. But let us not run counter to the nature of things, by attempting, what, as the authors themselves of the bill tell us, never yet was attempted; and above all things let us not bring in such a bill as the present, which, without contributing possibly in the smallest degree to the very object in view, will let loose the most dreadful scourge upon the lower orders of the people, will commit the most flagrant injustice in the manner in which the bill will be executed, and constitute a general charge of injustice against the house, such as it has never before been exposed to, and from which it will be impossible to vindicate it.

The objections to the bill were indeed so numerous, and of such a nature, that he was satisfied it would never have passed, so as to be now a subject of discussion in this house, if those who were really adverse to it would fairly have stood by their opinion, and had not been awed by the apprehension, that in opposing a bill, introduced with such a preamble, they should be considered as the abettors of cruelty. He had no doubt that such would be the charge made against him. But for that he should care very little, compared with the object of opposing a bill so objectionable, as he thought this to be, in every view in which it could be contemplated. He should have no fear in trusting his justification to the reasons he had already given (much as they fell short of what might be urged upon the subject, if he was not unwilling to trespass further on the attention of the house). But whatever had been wanting on his part would be amply supplied by an admirable paper in one of the late Volumes of the Edinburgh Review, the 26th he believed, in which would be found much masterly discussion upon this subject, considered in a point of view in which he had abstained from speaking of it, namely, in its connection with the Society for the Suppression of Vice. As well with a view to that Society as to the present subject, and to the connection between the two, he earnestly recommended to gentlemen the perusal of the paper.—He should now propose to negative the motion for the Speaker's leaving the Chair, with a view to moving afterwards that the Bill be committed to this day three months.

Mr. *Stephen* was ready to do justice to the ingenuity and talents of the right hon. gentleman, but begged, when he talked of the humanity claimed by others, to ask whether that right hon. gent, and those who thought with him, did not affect to be above vulgar prejudices? He denied, that this was a new era, as had been stated, in legislation, because humanity had ever been a characteristic of British jurisprudence. It was the duty of that house to protect useful animals from wanton and malicious cruelties; and he contended that if any of the cases alluded to by the right hon. gent. should come within that description, the persons concerned would be within the operation of the act. The bill was intended to prevent practices specifically mentioned, and all the objections of the right hon. gent. went only to the enactments of the bill, and might be removed in the Committee.

Mr. *Davies Giddy* had hoped that the able and convicting speech of the right hon. gent. opposite, would have produced an unanimous vote against the bill in that house. He was an enemy to the bill on the grounds stated by the right hon. gent. as well as because it did not draw any definite line to mark the offence, and would consequently lead to arbitrary decisions.

Mr. *Wilberforce* felt surprised at the rejection of a measure coming recommended as this did from so respectable a quarter, and expressed his regret that such distinguished talents should be employed in opposition to it. He possessed a letter, which, if he read, he was sure would create in the breast of the right hon. gent., sentiments congenial to his own. If the bill had been more general, it would be argued that it went too far, and now that it was confined to distinct offences it was said it did not go far enough. By raising the estimation of the animal creation in the minds of the ignorant, this bill would create a sum of sensitive happiness almost impossible to calculate.

Mr. *Frankland* thought that a bill so novel in its nature as the present required more time for its due consideration. He did not credit many of the facts which had been stated and called for evidence to be produced at the bar. He then mentioned that he himself saw a man once striking a horse on the head with the butt end of his whip, in a manner that appeared to him most cruel and brutal. He interfered; but the man, with a most good-humoured countenance, assured him that it was necessary to frighten the horse by striking him on the head, that if he had struck him with the small end of the whip, it would have put the animal to greater pain.

Mr. *Jekyll* professed himself a warm friend to the bill, which was founded on moral principle. He had many years since considered this subject of cruelty to animals, together with his noble frend (lord Erskine) the mover of it.

Sir *Robert Williams* mentioned a case, where he himself had met a man beating and spurring his horse most cruelly, and he threatened to take him before a magistrate. The man defied him, and said the horse was his own, and he would treat him as he pleased.

The *Chancellor of the Exchequer* was ready to give full credit to the intentions of the noble mover of this bill, but thought that it was a subject which required great consideration. If such cases as that stated by his hon. and learned friend (Mr. Jekyll) were intended to be included under the general words of wantonly and maliciously abusing those animals, he could not readily bring his mind to assent to it: for who was to judge exactly of the quantity of food which ought to be given, or of the quantity of punishment or of spurring which was necessary to oblige a horse to make the exertion that was necessary? Who was to judge of the exertion that was necessary? Suppose the man who had been met by the hon. baronet was riding to get a physician for a sick wife, was to be made liable to be stopped in his journey, and taken before a magistrate, if any person passing thought he beat or spurred his horse too severely? He thought that it would be much safer not to adopt a measure of this nature, at the very close of the session; and that if the noble lord who had been so long considering the subject, had not made his bill complete, they might well despair of their powers of mending it with so little time for consideration.

Sir *Samuel Romilly* could not allow that there was any thing in this bill so vague and indefinite as had been stated by the right hon. gent. The words of the bill were "wantonly and maliciously abusing." These were not words of vague and indefinite signification, but such as magistrates and juries on other occasions conceived sufficient for their direction. As to the quantity of punishment or severity, the crime was entirely in the degree of it. Thus, where a man had dominion over his fellow creatures, such as a master over his apprentice, or a father over his child, they could never be accountable for that ordinary severity, which may be necessary, or be conceived to be necessary with respect to those whom it was their duty to govern. There was no one, however, would say that there were not degrees of cruelty in the exercise of this power which our laws very properly punished, and which juries and magistrates did not find it difficult to determine. But in this bill the words "wantonly and maliciously" being introduced, it would be still harder for the juries to mistake the proper line. He did not see how there could be any doubt; and he thought it would be a strange thing, indeed, if the legislature were to forbear from making laws, merely on the statement that magistrates and juries would not understand them, and would determine in a manner that the law never intended. This was also supposing magistrates and juries to be absolutely void of common sense, and incapable of finding out what should be conceived wanton cruelty to an animal, although they are allowed to be perfectly capable of judging of what was unreasonable cruelty to a child, or an apprentice. He differed very much with the right hon. gent., (the Chancellor of

the Exchequer) in his opinion of the case that had been stated. Could any body doubt, but that if a man were to bring a number of horses, or any other sensitive animals, and keep them in a confined place, famishing to such a degree as to prey upon each other, that this was a wanton and malicious abuse of his dominion over those animals? (Hear, hear! from many members.) An hon. gent. (Mr. Frankland) had expressed some doubts of the existence of this cruelty; he should therefore cite a case from Leach's Crown Law, which was a pretty recent one, in confirmation of the fact. A man of the name of John Shaw was indicted on the black act, in the year 1798, at the Old Bailey, for the following offence. His master had refused to lend him a particular horse, and he was seen shortly after beating that horse on the head with the butt-end of a whip which he held in one hand, while with the other he had hold of the horse's tongue. The horse was the same day found dead near the spot, with the tongue almost torn from its head. The man was acquitted, because hitherto no degree of cruelty to animals could be punished, unless it was proved to proceed from express malice to the master. There was no doubt at all but that the cruel act which he mentioned had been done, but hitherto the laws with respect to cruelty to animals only referred to the injury of the property of the owners of them. There was another point of view in which this bill might be of great political importance. It was a great public interest that the people of this country should not be depraved, and it was well known that cruelty to animals generally led the way to cruelty to our fellow-creatures. This was well described by our inimitable artist Hogarth, who traced the cruel murderer from the early tormentor of animals. He really believed this bill might be considered in a great degree as a bill for the prevention of cruel murders.

Mr. *Morris* defended the principle of the measure.

Lord *Porchester* declared himself friendly to the bill. The evil which it went to correct called for some interposition, and he could see no force in the objection that it came not within a legislative remedy.

The *Solicitor General* expressed an anxious desire that this measure, which exacted a new penal statute, and was avowed to be an æra in legislation, should be delayed until the house would be enabled to view the nature and extent of its provisions in their respective bearings.

After a few words from Mr. W. Smith and Mr. Windham, the house divided.

For going into the Committee 40.—Against it 27.

The house then went into the Committee.—A conversation of considerable length took place, on the point whether the offence should or should not be deemed a misdemeanor, triable before a jury. Mr. D. Giddy, the Chancellor of the Exchequer, and Mr. R. Dundas thought it ought not to be such a misdemeanor, but that at all events the Committee should not at that time proceed further. Mr. Windham and Mr. W. Smith thought the chairman should report progress. Mr. Stephen thought the clause might stand, by adding a few words. Mr. Jekyll and Mr. Morris were of opinion the offence should be a misdemeanor. Mr. Lockhart observed, that as so much diversity of opinion prevailed at that late hour, he thought it right to move that the Committee be counted. A cry from the opposition side of No; No. The Speaker said, that as an hon. member had moved that the house be counted—the rule of the house must be strictly complied with, and it was not in the power of the chairman of a Committee, or of the Speaker in the chair of the house, to put any other question after that motion was made. The house was accordingly counted, and there not being more than eighteen members present, the house adjourned.

HOUSE OF LORDS.

Thursday, June 15.

[MR. CURWEN'S REFORM BILL.] Upon the order of the day being read,

The Earl of *Liverpool* spoke to the following purport:—My lords, I rise for the purpose of proposing that your lordships should go into a committee of the whole house upon this bill, which has been introduced for the preservation of purity in election, and the prevention of sales of Seats in Parliament, by corrupt traffic. Before I proceed, my lords, to declare those general sentiments which induce me to admit the propriety of this measure, and before I state those grounds, which, in my opinion, render it necessary, and before I describe what the bill is, I shall, in the first place, pronounce what the bill is not. This measure does not in the least partake of the nature of what has been denominated Parliamentary Reform. It does not in-

terfere with, or profess to disturb, parliamentary representation. There is no person in this country, who has turned his attention to that species of reform, who has more than myself considered the dangerous consequences of such a system, if carried into effect. From long, deliberate and mature consideration, I am convinced that the disfranchisement of the smallest borough, would lead to consequences of a most pernicious nature, and would eventually destroy the constitution. But the bill before you has no such tendency to interfere with the representation of the people; for sorry should I be to see that system altered—sorry should I be to see the representation of this country so changed, that the whole of our elections should be similar to those of Middlesex and Westminster. Look, my lords, to those elections, and you will perceive the evil of such a representation! Every noble lord who now hears me has had an opportunity there of observing how perjury, subornation of perjury, and all the vices which are consequent thereon, abound on those occasions, and tend to degrade and disgrace the community. Having thus far, my lords, applied these observations, for the purpose of shewing what the bill is not, I shall now state what I conceive to be its principle, and those grounds upon which I consider it entitled to my support. The introduction of this measure is founded upon the existence of certain abuses. It has been acknowledged, that a practice has long existed, whereby seats in parliament have been sold and purchased. This practice has long been known to exist; how it sprang up, I believe those most acquainted with the history of the constitution would find it difficult to determine; and if it were traced back to more ancient periods of our parliament, I believe it would be equally difficult to ascertain its commencement. Most probably it had its origin at a time when it was exercised to a very small extent, and has been gradually increasing through the succession of later periods. At length it has grown to such an enormous degree, that its existence, for the first time, has been openly declared and avowed, and parliament has been called upon to interpose its legislative interference. Under such considerations, my lords, I certainly do not perceive how your lordships can reject going into the committee. It may be alledged, that this is an offence at common law, but I am inclined to believe, not only from the exercise of my own judgment, but from the opinion which greater authorities have pronounced upon the subject, that such a practice is not punishable at common law. But supposing it be doubtful whether the buying and selling of seats in parliament is or is not an offence punishable by common law, yet, my lords, I cannot hesitate a moment to assert, that, according to all analogy of law, and according to the true principles of the constitution, it is an offence which ought to be punished. Therefore, parliament, when the question has once been brought before them, is bound to give their decision. They must determine either that it is legal or fit to be legal, or else they must determine it is illegal, or fit to be made illegal. The practice being once acknowledged and avowed, parliament, for the first time, are called upon to declare the law, and if it has not hitherto extended to the punishment of this offence, your lordships, by rejecting the bill, would, for the first time, give a sanction to its legality. Then, my lords, it now lies for your consideration to prevent a known and avowed abuse; and the analogy of law, together with the pure principles of the constitution, call for legislative interference. The law has imposed a severe penalty on the man who receives five guineas for his vote, and yet the same law has imposed no punishment upon the man who receives five thousand for an offence of the same description. With respect, my lords, to the particular provisions of the bill, as they fall more appropriately under discussion when we go into the committee, I shall defer my observations to that stage of our proceedings. There was on a former day a remark made by a noble earl opposite (Grosvenor), that this bill has completely altered its shape from what it was in its original state, and that the principle has been so far changed, that it can no longer be deemed the same bill which was first introduced in another place. I rejoice, my lords the bill has undergone those alterations. For, in its original state as introduced by an hon. member (Mr. Curwen), who unquestionably was actuated by the purest motives, it was liable to very serious objection, and upon consideration was generally admitted to be so by almost every man in the house; and even that hon. gent. with his usual candour, gave way to the propriety of the objections. That every abuse ought to be remedied, admits of no doubt, and that in-

fluence corruptly exercised, ought to be prevented, we all agree is necessary; and so far the bill, after being subjected to certain alterations, most wisely provides; but I never can admit that it would be for the interests of the country to destroy the natural preponderance which the influence of property will ever preserve in the representation of the people. It is the course of things; and make twenty bills if you please against it, property will always possess a great degree of influence; and when you have made laws against that influence being corruptly exercised, you will have done all in your power, and all that is necessary and beneficial, for the purity of the constitution.

Earl *Grosvenor*. It gives me great satisfaction, my lords, that the noble secretary deferred the discussion of this bill to its present stage of proceeding. Thereby an opportunity has been afforded for a fuller attendance of your lordships; for I did not think it perfectly decorous, nor would it have been quite decent, that such an important measure should have been debated in a thin house; besides, another advantage has accrued—that of giving more time for its due consideration. With regard to the greater part of the noble Secretary's speech, I most readily subscribe to many of those sentiments which have been delivered, but there are parts of that speech, containing sentiments to which I find it impossible to subscribe. It has been stated, that this measure does not partake of the nature of reform, as generally understood; but, my lords, disguise the name as you please, it still remains the same, and is really a species of reform. Neither, my lords, is it less deserving of our approbation; because, if abuses are admitted and avowed, it is our duty to redress them. Glad should I have been, if the provisions of this bill had been in unison with its title, which certainly recommends itself to our approbation and respect. Still, whatever the measure may be called, and however deficient in its extent, it is a part of that system of reform, which I rejoice has some time commenced, and which, for the interests of the nation, is not likely to cease. The first step in this progressive reformation of abuse began by the introduction of a bill for the prevention of granting certain Places in Reversion, which, though not at that time, was ultimately successful. The bill which lately passed for preventing the Sale of Offices was another measure for the reform of abuses, and would have been entitled to my hearty approbation, if it had not been for certain exceptions, which incurred my dissent. It has also been publicly known, that other abuses have lately existed, and the present bill was introduced for the purpose of extending that principle, which parliament have already recognized in the two measures which preceded it. But, my lords, under whatever name it may be disguised, I see, with joy, that it is a part of that system of reform which has commenced, and which, for the good of the country and the preservation of the constitution, will not, and ought not to cease. There is another observation made by the noble Secretary, with which I cannot accord; I consider myself bound to look at the provisions of this bill, before I can accede to the propriety of going into the committee. For with whatever pleasure I peruse the title and preamble, I feel considerably disappointed in directing my attention to the provisions. That part of the bill which is intended to prevent the disposal of seats in parliament, for money, meets with so much of my approbation, as to raise in my mind more astonishment at the clause which relates to corrupt influence, exercised through the disposal of offices. No man can doubt but the influence, exercised directly or indirectly, in the one case, is equally corrupt with that exercised in the other. But the bill before your lordships leaves the patronage of the crown unaffected, and his majesty's ministers, while they are anxious to abrogate corrupt influence by money, leave their own influence a greater latitude of being corruptly exercised. When, my lords, I look at this gilded title and emblazoned preamble, with which it is intended to deceive us, and consider how much they are at variance with the provisions which are presented as the means of accomplishing the object, it reminds me of some of those romances or novels of the present day, which are printed on fine paper, bound in beautiful red morocco, and elegantly gilt, yet within contain principles of a most pernicious nature, subversive of good morals and destructive to virtue. This, my lords, I consider a very appropriate description of the bill upon your lordship's table. It pretends to remedy abuse in one instance, and proceeds to sanction it in another. His majesty's ministers have altered the measure completely from what it was originally, and, under colour of so plausible a title, now

attempt to deceive the nation. But, I trust, the time is not far distant, when we shall witness a temperate reform of every abuse, and a gradual completion of what has fortunately commenced. But unfortunately for the government and the country, the present bill, by the introduction of the word "express" has transferred the power of corruption to his majesty's ministers, to be exercised by them without controul. On this account, the bill must incur my opposition. They may suppose they have deceived the people, but they will eventually find they have deceived themselves. They may rejoice they have outwitted the hon. gent. who introduced the measure, and have tripped up his heels; but let them recollect they will not outwit the nation, nor trip up the heels of the country.

Viscount *Sidmouth*;—My lords, every one must bear testimony to the honest motives and sincerity with which the noble lord, who has just sat down, has invariably declared his sentiments, as an independent peer of parliament. As much as I am disposed in general to concur with the opinions of my noble friend, there cannot be the same unanimity on the present occasion. It has been stated by the noble Secretary, that, for the first time, it has been acknowledged and avowed in parliament, that abuses, such as those which the bill professes to remedy, do actually exist. It has also, my lords, been stated, that considerable doubt remains upon this subject; and the noble Secretary referred to other authorities than his own, though his own must be allowed to be of considerable weight, to prove that the selling and purchasing seats in parliament fall under the cognizance of the common law; and, if so, I do think we are now called upon, in the most solemn manner, to declare what the law is as it effects the present question. By rejecting the bill before you, my lords, we should indirectly sanction this corrupt practice, and assent to its legality. Still, as the common law now stands, I would appeal to my noble and learned friend on the Woolsack, whether, as the guardian of the property of others, he himself, or the Master of the Rolls, or any of the Masters in Chancery, would consider any influence attached to property belonging to a minor, or other person under the noble and learned lord's care, as a species of interest, legally accountable for in the hands of those who exercised it, and, as such, requiring that it should be disposed of to the best advantage? Why, my lords, in that case the noble and learned lord would, in his high official situation, be bound to consider, not whether a seat in parliament were disposed of to an able and virtuous character, but whether it were disposed of to the greatest possible pecuniary advantage? My lords, the common law has not sanctioned any such corrupt practices; on the contrary, it has in all its principles, declared the same to be illegal. Still, there is no provision adequate to the prevention of so great an abuse, and when that abuse is admitted and avowed to exist it is necessary to remedy it by some legislative interference. Not only, my lords, do I consider the abuses to which this practice has led, but I am bound to reflect upon those to which it may be applied. It has sometimes probably happened, that some of the most enlightened, able, and virtuous men, have sought this mode, in preference to all others of obtaining a seat in parliament. They have sought with anxiety a place in the great and honourable assembly of the legislature, and having acquired it by these means, have gloried in the patriotic and disinterested exertions of their talents, without fear of being controuled, while they were conscientiously serving the cause of their country. But although such may have been some of the consequences of this system of influence, yet we are bound to consider it contrary to the principles of the English constitution; and as legislators, our duty directs us to inquire to what improper and base purposes such corrupt influence is capable of being applied. If we consider the laws which have been thought expedient to prevent corruption in the electors, we shall see that a man is punishable for giving five guineas for the purpose of influencing a vote, and that the disposal of a seat in parliament, for five thousand pounds, is left without any legislative measure for its prevention. What is this, my lords, but a prohibition of corruption by retail, and an encouragement of it by wholesale? I certainly agree with what was stated by the noble earl who spoke last, that, in the provisions of this bill, considerable alteration has been made, and, in the second part of it, which regards corrupt influence, arising from offices, all the effective terms of the former part have been omitted, and by the admission of the word "express," the whole provision has been deprived of its

salutary consequences; neither does it in any way correspond with the expectation necessarily arising out of its admirable title and preamble. There are sentiments expressed in the preamble, which furnish good ground for a more noble superstructure. On that account, more than any other, it meets with my approbation; and nothing would induce me to accede to the least alteration in that part of the bill. Those sentiments will pass into a statute, and become a part of the law of the land, from whence they never can be expunged. I am ready to admit, that the bill will do a great deal, but it does not do enough: and I would submit to your lordships' consideration, how much more easy it will be to make the measure more efficient, than it will be to introduce another bill to amend this under the present discussion? One word on the subject of Reform: It is in my opinion, very fit, that the monied interest should partake in the representation, and that all the variety of interests should have their due share in the legislature.

The Earl of *Carysfort* in very strong and forcible terms, expressed his opposition to the bill.

Lord *Boringdon* defended the bill, and contended that if the word "express" had not been introduced, it would have been scarcely possible to make even the most innocent use of the patronage of the crown, and it might even have happened under the bill, as it would then have stood, that persons might have been called upon to prove a negative.

The Earl of *Rosslyn* commented upon several parts of the bill, for the purpose of shewing the futility of its enactments as they now stood, particularly with respect to one of its professed objects, that of preventing the abuse of the patronage of the crown. There was not near the same moral guilt in trafficking seats for money, as in trafficking for them the patronage of the crown, and yet the difference in the enactments with respect to the two objects, was peculiarly marked. In the former case broad and general words were used, but in the latter, by inserting the word "express" it was scarcely possible that they could reach any case of abuse, unless where the parties were insane enough to make an express agreement.

The Earl of *Selkirk* also condemned the bill as now worded, and contended that it was a mere trick and deception on the country.

The Earl of *Buckinghamshire* thought, that by enacting the principle of this bill, and recording it on the statute book, the best answer would be given to the violent reformers, as it would shew that an abuse was no sooner discovered than a remedy was applied; and it was remarkable that those who were loudest in calling for reform, seemed to consider the measure in this point of view, as they opposed it the moment it was introduced. He could have wished that it had been rendered more efficient; but he thought it of great importance to enact the principle, and from that other enactments might follow.

Lord *Mulgrave* contended, that there was a clear distinction between trafficking seats for money and using the patronage of the crown; it being in the former case entirely gratuitous, whilst in the latter the patronage might be used with innocent and honourable motives, although in its effect it might have an influence in procuring a return. It was necessary, therefore, to guard against rendering criminal the innocent use of patronage; and were it not for the insertion of the word "express," it would scarcely be possible to use that patronage in any way without being liable to the charge of making an implied agreement with respect to some election.

The house then went into a Committee.

Earl *Grosvenor* after a few observations, moved, 'That the word 'express,' should be omitted.'

The *Lord Chancellor* opposed the motion; he said that if the implication was triable at common law, the bill, even as it stood, would add to the punishments; if it was not, it would create punishment to meet the offence. With respect to the question of parliamentary reform, his lordship expressed himself decidedly against the measure. He stated, that, having come into parliament in the year 1783, and being attached to the politics of a great man, now no more, he was not inclined even to go along with that great character in the support of such a doctrine.

The house then divided—

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The bill was ordered to be read a third time to-morrow.

HOUSE OF COMMONS.

Thursday, June 15.

[SIR FRANCIS BURDETT'S PLAN OF PARLIAMENTARY REFORM.] Sir *Francis Burdett* rose and spoke as follows:

Sir; I rise to offer to the attention of the house a Plan of Reform, not for its immediate adoption, but for its future consideration—to state my opinion to the house, and the public, upon this subject, and to propose to the house to come to a Resolution (according to a frequent custom at the close of a session), the object of which is, to hold out an assurance to the country, that the house will, at an early period in the next session, take into its consideration the necessity of a Reform in the State of the Representation.

This course I am urged, amongst other reasons, to adopt, in order to get rid of the misrepresentation (unintentional I am willing to believe) which has been so long, and so actively propagated, with regard to my views and opinions on this momentous point: the mischievous tendency of which misrepresentations, as affecting myself personally, would alone have very little influence upon my mind; but it has much, combined with the public interest. As involved in this most essential question, I therefore feel it a duty to myself and the public to relieve this subject from all misrepresentation, ambiguity, and misconception: and in now proposing for discussion, but not for immediate adoption, the outline of a specific Plan, I am answering those repeated calls which have been made upon me in this house, to state to this house, and to the public, definitely and precisely, what my views are upon the subject (perpetually agitated) of Parliamentary Reform, that henceforward it may be fully and clearly understood, how far I do really mean to go, and at what point I mean to stop.

This is a subject which has long engaged my most anxious attention; and though I very early stated my opinion respecting it, that opinion was not thoughtlessly formed, or rashly hazarded; but after the most diligent inquiry, and minute investigation. If I did not then offer it to the public attention without due reflection, still less did it originate in those views and mischievous motives, to which it has been falsely ascribed—a desire to excite discontent, and to agitate the public mind by exaggerated statements of undefined grievances, beyond the reach of practical constitutional redress. I am ready to admit, if such were the case, that my conduct would be as culpable as those who most misrepresent it, would wish it to be considered; and I am willing to confess, that to excite discontent in the public mind by fixing its eye upon necessary and unavoidable evils, beyond the power of remedy, would be as exceptionable and dishonest a proceeding, as to mislead them from their true remedy, and obstinately to withhold that easy redress which the Constitution so clearly points out, and so amply affords.

In this case, I shall cautiously abstain from any exaggeration of public grievance, or any expression calculated to excite in any gentlemen, or set of gentlemen, the slightest irritation, or asperity of feeling; it being my wish, that the question should stand on its own merits, that it should be coolly and candidly considered, and that it should be the subject, not of angry contention, but of fair discussion. At the same time, there are some doctrines and opinions which have been recently promulgated in this house, of so misleading and mischievous a tendency, that I cannot allow myself to pass them over altogether without some animadversion.

The course I have prescribed for myself is to state the Evils arising out of the defective state of the Representation, and then to point out the Remedy; which is simple, and perfectly practicable, not only consistent with the habits and interests of the people, and in unison with the laws and constitution of the country, but is (as I think I can shew) *the Constitution itself:*—Let others deal in whimsical speculations, in undefined mysterious notions of a Constitution, which eludes the grasp, and soars above the conception of ordinary minds, let them amuse themselves with intricate theories and fine-spun metaphysics, whilst I shall hold fast by that plain and substantial Constitution, adapted to the contemplation of common understandings, *to be found in the Statute Book, and recognized by the Common Law of the Land.*—If it can be shown that the principles on which I proceed are erroneous, unconstitutional, and inconsistent with the ancient, fundamental laws of England, I shall stand corrected, and willingly abandon my proposition; but if, on the contrary, I shall be able to demonstrate, that the present system is the creature of innovation, and a departure from the old, established, *unrepealed* laws of the country, and that a recurrence to the practice of these laws, is an easy and adequate remedy for the evil, though I may not indulge a hope of the

concurrence of this house, yet I may hope for the approbation of the public, and, at all events, I shall enjoy the satisfaction of knowing that I have performed an essential duty, both to the people and myself, in bringing forward the present inquiry.

Before I proceed to the consideration of the subject more immediately before the house, I think proper to make some remarks upon those very extraordinary doctrines to which I have before alluded.—— It has been asserted, that Corruption is not only a part of our Constitution—that it was not only necessary and to be tolerated, but (as it should seem) that the Constitution was to be tolerated for the sake of the Corruption. We have heard it seriously alledged, that without the auxiliary of Corruption in this house the Constitution would be insecure, that the Government could not be carried on. It has been described as "growing with our growth, and "strengthening with our strength:" it had been more consolatory to have been informed, that it decayed with our decay and diminished with our decrease. One can hardly conceive a more unhappy quotation for the purposes of those who have made the allusion. What is it the poet speaks of, when he says it

> "Grows with our growth, and strengthens with our strength?"

It is a state of disease necessarily terminating in final dissolution.

> "The young *disease*, which must subdue at length
> "Grows with our growth, and strengthens with our strength."

It applies strongly, indeed, in favour of those who call for some Remedy to arrest the progress of destruction, for some stimulus to re-invigorate the Constitution and save it from decay, by extirpating the vile and loathsome canker of Corruption, which preying upon the vitals, palsies the energies, and consumes the substance, of the country.—The various and contradictory arguments by which this Corruption has been attempted to be defended challenge particular observation: at one time it has been alledged to be so trifling as to be unworthy of our notice, it is represented *then* as "mere cheese-parings and candle-"ends." It may, however, be worth remarking (by the bye) an old English proverb to be found in Ray's Collection, which says "all the King's cheese goes in parings," and if a cheese is cut straight through the middle it is all parings; whilst at other time these cheese-parings assume a shape so formidable as to render any attempt to diminish them fruitless and unavailing; so that, inconsistent in argument, consistent in principle, the defenders of Corruption, as it suits their purpose, either represent it as a pigmy beneath notice, or a giant not to be contended with: from which alternate modes of defence we are forced to infer, that in the minds of some gentlemen, Corruption, be it small or be it great, is not only not to be checked or controuled, but to be fostered and encouraged. We are to hug our disease, and doat on dissolution: But so very opposite is my idea upon this subject, that I say, be Corruption small or great, let it assume what form or shape it may, it is an intolerable evil; in the first stage of it I would have said, "*Principiis obsta:*" at our high tide of it I will exclaim, "*Ne plus ultra,*" that delay is death. The question now is, How the career of this Destroyer is to be arrested? In my opinion there is no way of doing this with effect, but *a Reform of this House.*

Another doctrine equally mischievous as the former, which it was triumphantly said no human creature could contradict, was that of all men acting from *Mixed Motives.* This may be a convenient doctrine for public men; but, I trust, will appear as unfounded and indefensible as the arguments just alluded to in support of Corruption, either on account of its supposed insignificance or real magnitude: its object and bearing is, in fact, to cut up all morality by the very roots; there could be no rational ground for confidence or esteem, were such a doctrine once admitted; if all men are supposed to act from *Mixed Motives,* how can any man's character be known? How ascertain the proportion (upon which all depends) of good and bad in the mixture? How discover from what motive any action springs, or whether to be attributed to it praise or censure?—From the confidence and boldness with which this extraordinary doctrine has been advanced, it may seem hazardous to risk a refutation of it; I shall nevertheless attempt to shew that the reverse is the fact, and that, so far from men acting generally from mixed motives, they never act so at all; and however metaphysical may be the notions of some gentlemen, I defy them, with all their refinement and subtlety, to produce a mixture of motives in their own minds. Motives are as impossible to mix as parallel lines to meet. Many motives, it is true, may concur to impel a man to one act, as many roads

may lead to one town; many rivers direct their courses to one sea, but they are not on that account mixed. Avarice, ambition, love of country, may conduce to one end; though one of these passions may predominate, the motives remain unmixed; but when put in opposition one to the other, the impossibility of mixing them becomes apparent, the strongest motive overcomes the rest.—The position is quite unphilosophical, and the idea of mixed motives altogether absurd. Surely, no one will call in question the doctrine of a ruling passion, strong even in death, to which we see and daily hear of men offering themselves up willing victims. As our senses, though they may be affected all together, are still distinct; in like manner our minds, though they may be affected at one and the same time by more motives than one, yet do they remain unmixed. But there may be a great convenience in adopting this doctrine of Mixed Motives, similar to that experienced some time since in keeping *mixed accounts*; such *mixture* serving to create confusion and avert detection. I defy any man, however, to shew that such a doctrine is reconcileable either with morality or logic.

There is one other doctrine, which cannot be passed over without animadversion, equally dangerous, in my mind, with the foregoing ones. It has been held, that whilst *the forms* of the Constitution remained there was something so excellent in the *mere forms*, that not only was the possession of them of the highest value, but a hope was thereby justified of an amelioration of the state of the country. My opinion is directly the reverse of this, in which I am supported by the authority of the greatest historians and writers upon political subjects; who have uniformly laid it down, that of all tyrannies a legislative tyranny exercised *under the forms* of a free government, is the most tremendous and fatal; because without hope of remedy.

Tacitus, whose penetration and ability will not be disputed, depicting the melancholy condition of the Roman Empire, under that relentless tyrant Tiberius, describes it as most deplorable, not only on account of flagitious acts proceeding from hypocrisy and despotism united, but still more so on account of its hopeless condition, whilst under the mask of freedom, uncontroulable power was exercised, because that cruel tyranny was carried on *under the forms of the ancient constitution.* There was still *a Senate debating*, Consuls appointed, and tribunes of the people, *and all the Forms* of the ancient republic studiously preserved; and by how much the more those forms served as a cloke to hide the odious features of despotic power, by so much the more was it terrible, irresistible and severe: "*Quantoque majore*," says Tacitus, "*libertatis imaginæ tegebantur, tanto "irruptura ad infentius servitium*;" therefore, I am not all disposed to be satisfied with *the forms*, when *the spirit and essence* of the Constitution have fled.—We have been reminded of the old fable of the Stag and the Horse, introduced with the view, as it should seem, of warning the people against throwing themselves into the arms of one power, in order to avoid falling into those of another. The application of this fable could not be mistaken; it meant, that the People should not seek to ally themselves with the Crown, in order to rid themselves of the grievance of a corrupt House of Commons. To that warning I cannot lend an ear, having no dread of the Prerogative of the Crown; which I know forms part of the law of the land, and is material and necessary to maintain the Constitution. *My only apprehension is, from the usurpation of the legitimate Prerogative, by the Borough Monger Faction, and the consequent abuse of it by the agents of that Faction; untruly stiling themselves Ministers of the King, Servants of the Crown, through the medium of this House falsely denominating itself the Representative of the People.*—My desire, therefore, is to erect a barrier against such usurpation and abuse, by a restoration of the fair balance of the Constitution, by giving to each branch its lawful right: thus providing at once for the defence of the Prerogative of the Crown and the protection of the undoubted unalienable Rights of the People: and I think there is no difficulty in showing that they go well together, that one is in trust for the protection of the other, and that in consequence of their having been separated, contrary to the principles and in violation of the ancient usage of our Constitution, those abuses of which the people now complain first crept in, and being once admitted have made such rapid and tremendous strides towards our destruction; in the midst of which, *all the specious forms* of our Constitution have been studiously observed.—Thus, as in Rome, *the observance of forms*, instead of being valuable, as securing any benefit, or justifying any hope, serves only to aggravate the mischief, by adding hypocrisy to despotism, and to embitter the sufferings by deluding and

mocking the people.—I must not be misunderstood—no person is more anxious than myself, for the retention and maintenance of those forms; my wish is, to have *the substance also*, that the people may not be any longer duped by appearances which serve only *to perpetuate the cheat.*

A charge has been made by the abettors of Corruption against those who wish for Reform, as *innovators* and subverters of the Constitution of the country, whereas, the sole object of us Reformers is, *to rescue the country from the effects of the innovation that has been introduced.* Those who speak so much of innovation seem to forget what the great Lord Bacon has said, that "of "all innovators time is the greatest." Will you, then, while all things are changing around you, determine to stand still? Will you still cling to a Rotten-borough System, the creature of innovation, nursed by usurpation, and matured by corruption? for such shall I shew it to be. Is it reasonable that sovereignty should be attached to particular spots and places, and to convert into *Private Property*, that which the Constitution has declared to be a *Public Trust*—to permit an usurped local sovereignty, independent of the King, independent of the People, and destructive to both.—The Prerogative of the Crown, had it been maintained free from encroachments, would never have suffered this anomaly, this ill-shaped monster, this Rotten-borough System, at once formidable and contemptible, to have undermined the Constitution. During the whole course of our history, from the time of William the Conqueror to that of William the Third, down to which the legitimate prerogative of the crown was exercised by the King, no such absurdity was conceived as a Rotten-borough Parliament.—That part of the Prerogative to issue Writs to such places as were judged from time to time, according to their importance, most fit to send proper and discreet persons to the Common Council of the nation, was a most wise and salutary provision in the code of the Constitution, and well calculated to prevent the occurrence of those evils of which, so loudly and with so great reason, we at this day complain.—Can we suppose that any King in the possession of his just Prerogative, would have thought of addressing a Writ, when he was exercising that great function of his prerogative, the assembling the Great Council of the nation, to Rotten-boroughs? or that it would have been endured if he had? The King's writs run, "*ad Proceres et Dominos et Communes Reg-* "*ni,*" under which description no Rotten-borough could be included. Can it be imagined that St. Mawes, the posts of Gatton, or the stones of Midhurst, would have been required to send wise and discreet burgesses to assist with their advice in the Great Council of the Nation? James the First, on his accession to the throne, upon summoning the parliament, wisely exercised this prerogative by issuing a Proclamation, forbidding the sending writs to decayed boroughs*; nor was it till the prerogatives of the Crown were encroached upon at the era of the Revolution, when the seeds of this Rotten-borough System, which have since grown so luxuriantly and have produced such poisonous effects, the baneful influence of which we now so sensibly feel, were with woeful prodigality first scattered over the land, that the Country was deprived of that corrective wisely lodged in the hands of the Crown by the Constitution, for its preservation against the unavoidable innovations of time, whilst the people, artfully led to ascribe all the evils of the two former reigns to Prerogative alone, willingly acquiesced in its retrenchment; in which they made a fatal mistake, a mistake originating in the idea that they extended their own Liberties in proportion as they curtailed the Prerogative of the Crown; an ingredient in the Constitution as essential to its existence, as is an uncorrupt, full and fair Representation of the People in this House.

Had the constitutional power of the Crown remained undiminished, this House would not now be in its present contaminated state, the just and great prerogative of the Crown would have been exercised beneficially, and given the King his proper weight in the administration of national affairs, whilst the People would have a shield—and a shield and not a sword is all the people expect, in an uncorrupted and fairly elected House of Commons.—This I take to be the Constitution of England; but out of this usurpation upon the crown,

* "Next, that all the Sheriffs be charged "that they do not direct any Precept for "electing and returning of any Burgesses "to or for any ancient Borough within "their Counties, being so utterly ruined "and decayed, that there are not sufficient "resyantes to make such choice, and of "whom lawful election may be made." See Cobbett's Parliamentary History, vol. i. p. 969.

conspiring with the innovations of time, a third power has arisen, that of the *Borough-mongers*—the creature of innovation, the worm of corruption, always unknown to our laws, now become greater than the laws, equally hostile to King and People, misrepresenting one to the other, filling the mind of one with jealousy, the ears of the other with alarm, which, by perpetuating discord, reigns sole arbiter of the strife, and establishes its ignominious dominion over both.—My first object, therefore, is, *to reunite the King and the People by the constitutional bond of Allegiance on the one-hand, and Protection on the other.*

"The wisdom of our laws," says Lord Coke, "is most apparent in this, that any "departure from their established princi-"ples, although at the time wearing the "specious appearance of advantage, never "fails to bring along with it, such a train "of unforeseen inconveniences, as to de-"monstrate their excellence and the ne-"cessity of again having recurrence to "them." And how strikingly that observation is exemplified in the consequences which have followed the departure from the principles of the Constitution, which has led to the establishment of this grievous Borough-monger System: the inconsistency of which with the principles of our laws and institutions, so glaring in the terms of the Writs of Elections, as in every other point of view, no one can dispute. The simple principle upon which, as upon a pivot, the whole of this subject of Representation turns, is this; that the free subjects of this kingdom have a Right of Property in their own goods; in other words, that the people of England cannot be legally and constitutionally taxed without their own consent.—I suppose this will not be denied; and yet it is equally indisputable, that this principle is absolutely annihilated by the present frame of the Representation of this House, to which a Petition on your table offers to prove, that one hundred and fifty-seven individuals have the power of returning a majority; so that the whole property of the free subjects of this kingdom is, in violation of this first and plain principle, at the disposal of 157 Borough-mongers, or in other words, 157 Borough-mongers have usurped, and hold as private property, the sovereignty of England; and can we be satisfied with this miserable, pitiful substitution for the King and Constitution?—Can the People remain contented with the legislation of such a power?—Impossible. Believe me, Sir, the discontent that exists in this country, arises principally from the certain knowledge the People now have of the corrupt state of this House, and their exclusion from that share in the Constitution to which they are by law intitled, that they are not fairly, nor indeed at all represented,—in fact, that the interests of this House are not identified with, but opposite to theirs—remove this defect, repair this great injury, and the advantages will be immediate and important; the People will then believe, that all that is practicable for their benefit will be done, and from that conviction they will naturally be reconciled to those evils, which they would see a disposition to alleviate, and a mutual interest to redress.

Every part of the Empire will feel the benefit of the Reform; but no where will the great advantages of the measure be likely to prove more salutary than in that most interesting part of the empire—IRELAND. From the deep interest I take in the concerns of that country, from my idea of its mighty importance, have I reserved the mention of it till last; though the consideration of the manner in which I could devote my best service to it has never been out of my mind, never till now did it mature any practicable plan, calculated to give universal satisfaction to that generous, that insulted people, with perfect security to the state. If Reform is necessary here, it applies much more forcibly there; indeed, the peculiar situation of that country makes it a measure of imperious necessity.—On the subject of Ireland I can hardly speak, from the fear of trespassing on the rule I had laid down for my conduct upon this occasion. I dare not venture to trust myself with the grievances of Ireland. It is a subject I cannot discuss without a more considerable degree of warmth, than is consistent with that dispassionate line of conduct I am upon this occasion particularly anxious to maintain. My desire is to have Ireland united with this country upon terms, however, very different from those which at present exist. I should wish to see there a perfect equality of advantage, and no exclusions. Of the present Union, so called, I shall speak but little at this time: suffice it to say, that it was a measure contrary to the wishes, repugnant to the interest, revolting to the feelings of that nation; and effected by means the most flagitious, if the most unblushing corruption on the part of the agents, and the breach

of every solemn assurance to the great body of that people, not only implied but expressed by the government of that country, deserve the appellation. Instead of that parchment Union, I shall propose a real Union of heart and affection, founded on the broad basis of the Constitution, of equal rights, and reciprocal interests.—Away with that crooked policy, that narrow-minded bigotry of legislation, that intolerable intolerance, which keeps alive perpetual heart-burnings, hatred and revenge. I wish not to dwell upon this system; it is high time to put an end to it.—Is it to be any longer endured, that four millions of Irishmen should be aliens and outlaws in their native land? Is it safe to have four millions of the people thrust out of the pale of the Constitution? Is it consistent with reason, with common sense, putting justice out of the question, any longer to tolerate such a system? By the adoption of Reform, the government will have the fairest opportunity of removing the principal grounds of dissatisfaction in Ireland; now will be the time to do every thing without yielding any thing, to legislate upon enlarged principles, knowing nothing of particular parties, sects, or factions: keeping alive no distinctions of Catholic, Protestant, and Presbyterian, Tory, Whig, or Jacobin; alarming no prejudice, insulting no party, they may now include the whole within one bond of union of the Constitution, embracing and ensuring the safety and tranquillity of the empire at large.—We shall then, and not till then, have an United Kingdom—one King—one People.—We shall by this recurrence to the Constitution, not only seat the Chief Magistrate upon his throne, and fix the Crown upon his head, but we shall place within his hand the sceptre and legitimate power of the King, in despite of those 157 Borough-mongers, who have TRAITEROUSLY usurped all but the pageantry and outward shew and forms of Royalty.

What is the condition of the King under this Faction? Instead of taking advantage of the elevation of his situation, where the Constitution had placed him, as the eye of the nation, for the purpose of taking extensive views for the advantage of the national interests, beyond the contracted horizon of ordinary men, his whole time is employed, his whole skill directed, not towards the duties of his high office, but in trying to keep his balance, in endeavouring to conciliate the support of such and such a Borough-monger, in order to obtain his permission to allow the Government to go on.—In truth, the Borough Faction have such power, that he is more like a Rope Dancer, than a King; as they make it necessary for him to be perpetually upon the alert to balance himself on his slippery elevation, whilst the utmost he can do is to keep his place. Such is the state to which he is reduced under the influence of this ignominious system, instead of having his throne fixed on the rock of the Constitution, and bound to the hearts of a whole people. This is not the situation in which the Laws and Constitution have placed the King, nor that which his dignity requires, and the best interests of the people demand.

The System, of which I have now given but a short sketch, which was introduced at the Revolution, and grew out of the encroachments on the Prerogative of the King, aided by the innovations of time, has already cost this nation nearly Eight Hundred Millions of Debt; for though it has been wittily said, that one half of this enormous Debt has been incurred in resisting the perfidy and restless ambition of the house of Bourbon, the other half in striving to replace it on the throne of France, this is not true: the fact is, the whole has been incurred in the prosecution of the scheme of corrupting this House.

This question is so completely decided by Magna Charta, "which," as Lord Coke says, "is such a fellow that he will "bear no equal," so strongly fortified by all our constitutional laws, that no inferior authority can be required; but, were I so disposed, I could cite a host of legal and constitutional Writers; and all those members of this house, who have from time to time expressed their sentiments in support of this measure, whose arguments were never confuted, and whose talents, though successful on all other occasions, were unavailing when exerted in support of Reform. This problem, however, is easily solved, when we consider that the appeal is made to the Borough-mongers themselves, whose interest is opposite to the measure. Their interest is different from that of the people.

Having taken the Laws and the Constitution for my guide, in preparing the measure I shall have to propose, I at the same time examined attentively all those Plans for carrying the same principle into execution, which have at different times been proposed; and having avoided all those

intricacies which I considered as so many impediments in the way, have reduced it to that plain and simple form, the express image of the Constitution itself.—My Plan consists in a very few, and very simple, regulations; and as the Disease we now labour under has been caused by the disunion of Property and Political Right, which reason, and the Constitution, say should never be separated, the Remedy I shall propose will consist in re-uniting them again.

For this purpose I shall propose:—

That Freeholders, Householders, and others, subject to direct Taxation in support of the Poor, the Church, and the State, be required to elect Members to serve in Parliament.

That each County be subdivided according to its taxed male Population, and each subdivision required to elect one Representative.

That the Votes be taken in each Parish by the Parish Officers; and all the Elections finished in one and the same day.

That the Parish Officers make the Returns to the Sheriff's Court to be held for that purpose at stated periods.

And, That Parliaments be brought back to a Constitutional Duration.

The simplicity of this Plan appears from its being the true Constitution of England, which has already prepared all the means ready to our hands of carrying it into immediate effect; and I make no hesitation in delivering it as my well-digested opinion, that under the operation of this Reform, it would be attended with much less difficulty to return a whole Parliament, than to settle a dispute at a vestry about a parish pauper. By the adoption of this Plan of Reform, those disgraceful practices, which now attend even County Elections, would be put a stop to. No bribery, perjury, drunkenness, nor riot; no "Wealthy Brewer," as was humourously described, who, disappointed of a job, takes, in consequence, "the inde-"pendent line, and bawls out against "Corruption:" no opportunity would remain for such mock Patriotism:—no leading Attornies galloping about the country, lying, cheating, and stirring up the worst passions amongst the worst people:—no ill blood engendered between friends and relations—setting families at variance, and making each county a perpetual depository of election feuds and quarrels:—No Demagogueing.—If I *am* a Demagogue, I am as complete a *felo de se* as can well be imagined—this puts an end to the occupation:—There would be an end to all odious and fanciful distinctions of persons and property—all would be simple and uniform; their weight and influence proportioned to their *intrinsic* value—no qualifications nor disqualifications—no invidious exclusions by reason of any office, from the highest to the lowest, either in the Elector or the Elected—no variable, fantastical, litigious rights of voting—no possibility of false votes—no treating—no carrying out voters—no charges of any kind—no expense, legal or illegal—no contested elections.—The people would have a choice without a contest, instead of a contest without a choice;—no sham remedies worse than the disease pretended to be cured—No Grenville Act; here I speak feelingly; I have undergone this *remedy*.—It is the remedy of a toad under a harrow.—"*Haud ignara malis, "miseris succurere disco.*" That Act, which has been so highly extolled, was itself called a *reform*;—as all the acts aggravating the mischief, which have been substituted for the Constitution, are called in this House.

Under the operation of that Act, I have suffered a greater pecuniary penalty, than any which the law would have inflicted for any crime I could have committed; this *remedy* is a luxury, a man must be very rich, indeed, to indulge himself in. I could not afford it a second time, and preferred abandoning my seat after having been returned, to undergoing another operation of the Grenville Act. One great object I have in view is to relieve other Gentlemen from the like benefits, by preventing the necessity of having recourse to *such remedies* in future—by getting rid of all disputes, and contested elections: this good consequence will result from the adoption of this Plan, besides preventing endless litigation, ruinous expense, perjury, ill blood, and periodical uproar and confusion, this house will be saved one-third of its time in Election Committees; and the Statute Book will be relieved from the shameful burden of one hundred and thirteen confused and intricate laws, all pitiful substitutes for the Constitution.

There may be some Gentlemen who think we should not get a better assembly within this house by this or any other Plan of Reform.—Even supposing, but by no means admitting, such should unaccount-

ably be the case, the positive evils we should get rid of are sufficient recommendations to its adoption. It must also give rise to other important results—those who complain of popular clamour—of persons allying themselves with the people against the sentiments and decisions of this House, would cease to have any room for complaint. In the event of such a Reform no such clamour could exist, no such alliance could be formed; for then the sense of the people would be truly and fairly collected within these walls.

The benefits that would immediately follow the adoption of this Reform are incalculable. Though I am not one of those who would apply a sponge to the Debt of the Nation, yet am I firmly persuaded, that a Reformed House of Commons would introduce such a system of economy, both in the collection and expenditure of the Public Revenue, as would give instant ease to the subject, and finally, and that at no very distant period, by a due application of national resources to national objects, *and to them alone*, free the people from that enormous load of debt and consequent taxation, under which the nation is weighed down.

Three descriptions of persons, I will admit, would have great cause to complain of this Reform: The Borough-mongers—the Lawyers—and the King's Printer. The whole of the question then is, Which is to be preferred, The interest of the whole Empire, or the interest of the Borough-mongers—the Lawyers—and the King's Printer?

At all events, I hope this consequence will follow, that after this night it will not be asserted nor insinuated, that I have any concealed purpose, that I shrink from speaking my sentiments frankly, that I decline to act an open part, or that I have any designs beyond those I avow: notwithstanding what I have urged, I beg leave to repeat, that I am open to conviction; that I am still ready to listen to all fair reasoning on the subject; that I have nothing to bias my mind; nor any other view than the public good. It will, at the same time, be naturally understood, that having devoted so much of my time and reflection to this subject of vital importance, my opinions cannot easily be shaken, nor affected by slight and common-place arguments.

I have stated fully and dispassionately, and I hope clearly and satisfactorily, to this house and to the public, the Remedy for all our Grievances, which I have been so often called upon to produce. I have obeyed that call: in that at least I hope I have given satisfaction.—The Remedy I have proposed is simple, constitutional, practicable, and safe, calculated to give satisfaction to the People, to preserve the Rights of the Crown, and to restore the balance of the Constitution. These have been the objects of my pursuit—to these have I always directed my attention—*higher I do not aspire, lower I cannot descend.* I conjure this house to consider the necessity of doing something to satisfy the rational expectations of the public, that we should not go back to our respective parts of the country in our present acknowledged contaminated condition, without holding out some reasonable hope to the country for its peace and tranquillity, that a Reform adequate to the removal of the enormous and multiplied Abuses and Corruption now known to exist, and which I contend can only be effected by a House of Commons fairly chosen by the people, will early in the next session be entertained with good faith, and taken into our most serious consideration.—I would have the timid bear in mind, who stand so much in dread of Innovation, that the simple Remedy now proposed is but a recurrence to those Laws and that Constitution, the departure from which has been the sole cause of that accumulation of evils which we now endure—that in many cases timidity is no less fatal than rashness—and "That the omission to do "what is necessary, seals a commission to "a blank of danger."—I shall now conclude with moving, "That this house will, "early in the next session of parliament, "take into consideration the necessity of "a Reform in the Representation."

Mr. Madocks seconded the motion.

The *Chancellor of the Exchequer* thought it incumbent upon him to trouble the house with a few observations, after what had fallen from the hon. baronet; and they would be but a few. The object of the hon. baronet appeared to be, that the house should give a pledge that it would, early in the next session, go into a Committee on the State of the Representation. He saw no reason whatever for entering upon the question of reform at all, and therefore could not agree to vote for any such pledge. In many of the propositions stated by the hon. baronet, he was unable to follow him. Among other things, he assumed it as a fact, that the

people were in general desirous of a reform. This he absolutely denied; and affirmed, that on the contrary, they were more united against reform than almost upon any other question—because they thought reform unnecessary. He admitted that the hon. baronet was accustomed to associate with a certain description of persons who were desirous of reform, and who would willingly pass such resolutions on the subject as he proposed to them. But it did not at all follow from that circumstance, that the generality of the people were favourable to reform. He really was at a loss exactly to know what the hon. baronet proposed himself. The hon. baronet said, that all he wanted was to be found upon the statute law of the land. What could he find there that could destroy the ordinary practice of the constitution? The statutes indeed were explicit on the subject of the representation; but something more than this was to be found in the practice of the constitution with regard to that house. What did the hon. baronet propose to do with respect to the privileges of that house? The right of originating taxation belonged to that house at present, by the practice of the constitution, although not confirmed by an express statute. Was the hon. baronet content to get rid of this too among other things? The lords, certainly, had never given any express assent to this privilege, and would the hon. baronet rank it amongst those abuses which had grown up in opposition to the prerogative? But this was not all. The hon. baronet maintained, that 113 statutes would be got rid of; that if his plan should be adopted, it would overthrow bribery, corruption, tumult, &c. Now how was this to be effected? Would no contest take place for the representation of the hon. baronet's districts? If contests should take place, then there must be canvassing; and all those temptations to bribery, corruption, and perjury would prevail in spite of the hon. baronet's regulations, to the full as much as they prevailed in the actual state of things. Yet these were the hopes which he held out to those who were disposed to listen to his propositions; but how these hopes were to be realized from his plan, he was at a loss to conceive. But the hon. baronet would further annihilate the regulation with respect to the 40 shilling freeholds, and all that the law had done on the subject to this day; and would divide the country into districts, in which all should have a vote who paid direct taxes to the state, or the church, or the poor. [Sir F. Burdett—"No; those who pay to them all."] Well, taking it so, there might still be doubts as to what should be considered as direct taxes. The property tax, the taxes for the poor, and the assessed taxes, were direct; but to settle this point completely, there must at least be one pretty large statute instead of the 113 of which we were to get rid. Was this the way in which the hon. baronet proposed to do away the necessity of employing so many lawyers? (Hear, hear!) The hon. baronet talked of the advantage of getting rid of the Grenville act, and of all the statutes against bribery, corruption, &c. But why should perjury be more difficult under his plan than it was at present? In his districts, a man who had already voted, might come under another court and swear that he had not voted before, just as easily as the thing could now be done in a county. (Hear, hear!) He saw no reason whatever to suppose that any good could arise from the plan in this respect. The truth was, that such a plan could never produce the expected effects, unless the hon. baronet could alter not only the constitution but the frame of the human mind—unless he could at once get rid of human prejudices and human passions. This much he thought it necessary to say; and he did not think that there was any occasion for his going further. As to the hon. baronet's proposition, that the house had admitted that some reform was necessary, he never understood that any such admission had been made. He did not believe that the house would allow that it had ever made any such admission; and the manner in which the hon. baronet's proposition had been received, convinced him that he was correct in his opinion. It would be really raising the plan of the hon. baronet into an importance which it did not deserve, to dwell upon it at any great length. The house, he observed, was ready to come to a decision; and all that he could say, in addition to the remarks he had already made, would only serve to create embarrassment and delay, in a matter which was already sufficiently clear.

Mr. *Madocks* could not listen without feelings of indignation at the levity with which the right hon. gent. chose to treat the motion of his hon. friend. The real

question now before the house, was one of grave importance; no less, than whether the country was to be amused with the pretence of a representation, or possess what was its undoubted right, the reality of one. After all that had lately passed in that house on this subject, after the novel and alarming situation in which the house had stood since the 12th of May last, after the just, the able, and the solemn comment from the Chair, on the unprecedented proceedings of that day, was it to be endured, that the motion of his hon. friend was to be treated as a matter of light and trivial importance, to be evaded by the trick of debate, or stifled without discussion by the mandate of ministerial authority. The right hon. gent. had through the course of his speech assumed, that the plan which the hon. baronet stated to be the one he should be inclined to prefer, was that, which would be ultimately insisted upon, and adopted in every particular. No such pledge was demanded or expected of the house. All that was required, all that the house was called upon to do, was to engage to entertain the subject seriously and sincerely in the ensuing session: called upon to do so, not only by the general merits of the question, resting as it did upon argument, reason, and authority, but called upon also in the most imperious manner by recent events, disclosures, and declarations in that house, which appalled all those, who unfeignedly valued the existence of the constitution, the prosperity of the country, and the character of parliament. This was what was required of the house, and if the voice of the people, so generally expressed of late throughout the kingdom, was attended to, this was what the people did expect, and had a right to demand. Mr. Madocks proceeded to state that his hon. friend, the worthy baronet, had been so often wilfully misrepresented, that nothing could be more decorous to this house, and serviceable to the interests of truth, than to explain in this stage of the consideration, the first principles on which he should be induced to wish a Reform in parliament to be framed and adopted. And in the consideration of this plan, where were the leading points, which were jointly subject to the levity, and attempt at sarcastic ridicule, in which the right hon. gent. was so disposed to indulge. Had he condescended to argue those points, he would indeed have found it the tough and difficult matter which no doubt his acuteness had apprised him of, and his shrewdness recommended him to avoid. Confining his open hostility to a few of the minor and subordinate points, which related chiefly to matters of regulation, he indulged in an excellent sham fight, and attempted to retreat, amidst the confusion he created, from the great objects, with which he feared to grapple. Let the right hon. gent. answer these few plain questions. What was the basis of the plans proposed by lord Chatham, Mr. Pitt, Mr. Grey, and all the former authorities on this subject? Did not they propose to extinguish the rotten Boroughs and to reinforce the counties, and the landed representation? Did they not propose to extend the franchise to all great towns, who from a change of circumstances had risen into commercial opulence, and to admit copyholders and certain leaseholders to a share in the representation? and did they not in imparting the franchise to new voters, resort to that truly constitutional, wholesome, and safe principle, so ably maintained by his hon. friend, namely, to vest the right of voting in the resident householder? The simplicity and safety of this qualification solves all the difficulties which can offer themselves to fair and unprejudiced minds, and while it admits to their due share in legislation, those classes, which bear the principal burthens of the state, it gives every requisite efficiency to the great dictum of the constitution, that "No man shall be taxed without his own consent." Mr. Madocks said, he would take the liberty of here reading an admirable passage from a work on this subject, particularly applicable to the point in question.

"The species of property which constitutes this qualification has the advantage of being open, ostensible, and incapable of being disputed. It indicates a real residence, and implies a stationary interest in the place for which the vote is given and the representative chosen. But besides the possession of a competent property, of which the occupation of a house paying taxes is a sufficient presumption, a householder has other qualities which ought to recommend him to a favourable distinction, and particularly to the trust in question. He is necessarily the master, and probably the father of a family. In the first character he has a personal credit and respect to maintain: in the second he has given hostages to society. He is the natural guardian and virtual representative, not only of his family and servants, but of all those

who depend upon him for support, protection, or employment. Such a station deserves confidence, and should be made respectable, that all men may be prompted and encouraged to rise to it. The relations and duties that belong to it are antecedent to positive institutions, and constitute at once the basis and security of civil society!"

Upon this important point of the plan, as indeed upon most other topics of any weight, the right honourable gentleman had cautiously avoided any attempt at an answer. With respect to property, which a right hon. gent. below, and many others on former occasions, had so strongly insisted on as the true basis of representation, undoubtedly he (Mr. Madocks) admitted, or rather was as anxious as any man to assert, that property was the only true and legitimate basis of representation, and it was because that property was not the basis of representation at present, that he wished the present system to be altered. What right had Old Sarum, Midhurst, Gatton, &c. to send representatives to parliament upon that principle? And how monstrous that the few private fortunes that possessed them, can send three times as many votes to tax the people, as all the landed property of Yorkshire (Hear! hear!). He wished distinctly to state, that nothing in his opinion was so absurd, as the notion of universal suffrage; an idea he believed universally exploded, unless indeed he found it in full practice at Old Sarum, and some other places, where the right of voting resided in an old wall, or 25 stones in a field.—That indeed appeared to him to be universal suffrage with a vengeance! (Hear! hear!) What can be so ridiculous, in what a curious predicament do those persons stand, who would deny a copyholder or a leaseholder of 1,000*l.* a year, a vote for a representative in parliament, when they allow a similar privilege to a stock or a stone (Hear! hear!). The bill which had lately passed in that house (Mr. Curwen's) had only made matters worse, by throwing a monopoly of the market for seats into the hands of the Treasury. These partial remedies could be of no use where the system was fundamentally wrong. The resolution of 1779 had often been appealed to in vain; and where then was the use of new enactments, the intended effect of which the system necessarily prevented? There was another point to which he was desirous of calling the attention of the house, as he had been mispresented respecting it, or, at least, as inferences had been drawn from it which were not warranted by the facts. He alluded to the representation which he had made respecting the bargain with the Treasury for the borough of Cashel. That part of the charge which stated, that lord Castlereagh *suggested to* Mr. Dick the propriety of resigning his seat if he could not vote in favour of the duke of York, had been denied. But it ought to be observed, that the denial was confined to these words alone, that lord Castlereagh did not *suggest to* Mr. Dick. The fair inference then is, that all the rest of the charges, which was not in any degree denied, and which was by far the most important, was positively true (Hear! hear!). If the right hon. gent. opposite was disposed to dispute this point, all he had to do was to grant a committee to investigate the facts; and he, Mr. Madocks, was ready to prove that 5,000*l.* had been paid to the Treasury, for the Seat, with the privity and concurrence of the right honourable gentleman and the noble lord opposite, and that Mr. Dick had been induced to vacate, upon a difference arising between him and the ministry as to his vote on the question respecting the Conduct of the Duke of York. This was the important part of the charge, which no one had attempted to deny. Under all these circumstances there was the strongest ground for giving a pledge to the nation, that the house would take the subject into consideration. The plan now offered corresponded in its great and leading features with those of Mr. Pitt and Mr. Grey, who were sometimes supported by great divisions, and once the question was lost only by a majority of 20 or 25. In the year 1784 the king had in his Speech recommended the subject to the consideration of the house. Under all these circumstances, and recollecting it had been the invariable practice in every reign from the time of Edward I. to that of Charles II., to alter the state of the representation with respect to boroughs, he gave his most hearty concurrence to the motion of his hon. friend, and thought that to give the pledge required, was necessary, after what had recently passed, to the character of parliament, and the salvation of the state. The gentlemen on the other side, had lately signalized themselves by observing the anniversary of the birth of their immortal leader, the late

Mr. Pitt. He would not enter into any recapitulation of the losses, which liberty sustained during his lifetime, but he would earnestly entreat the house to remember, that the day on which he was addressing them, was the anniversary of the birth of our liberties, Magna Charta, and he hoped that the house, in justice to the memory of our ancestors, would commemorate the occasion, by pledging themselves to restore the independence of parliament.

Sir *R. Williams* was averse from the imputing of bad motives to any one, and certainly he imputed none to the hon. baronet. But he doubted whether he might not be influenced by those whose views might be less pure. One of the greatest objections which he had to the proceedings of the hon. baronet was, that he did not propose to carry on his plan of reform in that house, but endeavoured to effect his object by means from without. The hon. baronet was reported in Cobbett's Register to have said, that the house of commons was the only spot where the opinions of Englishmen were treated with contempt. He would have a much higher opinion of the hon. baronet, if we saw in him a disposition to effect his object through that house, instead of a desire to lower it in the opinion of the public.

Sir *James Hall* observed, that the hon. baronet, though often accused of obscurity, was now plain and explicit. He had stated in pretty strong terms that the house did not deserve the confidence of the country; and yet he came forward in that very house with his Plan of Reform. The motives of the hon. baronet might be good, but his conduct, he thought, extremely dangerous. The plan which he had stated amounted to complete and radical revolution. The first savage in the world would certainly have thought an attempt to cut down the tree which afforded him protection from the weather a great insult. It would be the ruin of a ship if you took away her ballast. The ballast of the British state vessel might sometimes be too heavy, but upon the whole, she proceeded very well in her course: and even the rotten boroughs might ultimately do a great deal of good. These inappreciable cases produced what was called chance. But as men of wit alone were often lucky in their *bon mots*, so the British constitution clearly appeared to have been the work of sensible men. That constitution ought to be defended without a very narrow or minute examination; for many things which appeared ridiculous at first might be good in their ultimate effect. Since he became a member of that house, he had studied the motives of men a good deal, not only in their public speeches, but in their private conversation, and the result was, a conviction that he had got into better company than he at one time imagined. He affirmed, that its votes were almost always satisfactory to the nation. He adverted, as a proof, to the late vote respecting an improper military appointment, and affirmed that the conduct of the house on the business of the Duke of York would have been equally satisfactory, had not undue means been taken to produce a contrary impression. He himself, however, was one of the minority of 125, though his name had not appeared in the published lists. He could not assent to the motion of the hon. baronet; but he highly complimented col. Wardle, who had so well conducted himself in adversity. He hoped he would be enabled to bear prosperity with equal magnanimity, and not suffer his brain to be turned by the intoxicating influence of three times three.

Mr. *Hutchinson* would not suffer the question to go to a division, without replying to some of the observations and objections which had been made to it. From what he had heard of the hon. baronet's speech, one more constitutional, more calculated to entitle him to the respectful attention of the house and to the confidence of the public, or containing stronger professions of a wish to conciliate, he had never heard in parliament. It was directed to the judgment, not to the passions, and certainly did not, in the smallest degree, justify the tone of scoff and ridicule, in which the Chancellor of the Exchequer had replied to it. Its object was to insure the attention of parliament to the great question of reform at an early period of the next sessions. Called upon as the hon. baronet had been, taunted as it were, and provoked to speak out—misconceived by some—misrepresented by others—he had on that night put the house in full possession of his thoughts, and although not likely on slight grounds to change his opinion, he had nevertheless declared, that being disposed to yield to reason and sound argument, he was anxious to learn the sentiments which others entertained. The subject of reform was not a new one, nor now for the first time introduced;

some of the ablest statesmen had considered it worthy of parliamentary inquiry. But it had been objected that the hon. baronet was not a fit person to bring it forward. Would it be seriously contended that with the stake which he possessed in the country, with a property such as had fallen to the lot of few, greater than than that of almost any other member of the house? Would it be urged that a man of his rank, of a highly cultivated mind, and of reflective habits, was not qualified to bring forward such a subject? Was this objection taken in downright earnestness? If it were, Mr. Hutchinson would be glad to be informed who was qualified for such a task? The hon. baronet appeared to have considered the subject with great solicitude, and he had presented it as one, which, if acted upon as he suggested, he flattered himself would strengthen the sovereign in the affections of his subjects, promote the welfare and happiness of the people, compose jarring interests, and eventually uphold the state. Such at least were the result which the hon. baronet expected from the measure. Another most extraordinary objection had been made, that he sought to change the constitution of parliament, not by the assistance of the house of commons, but by the interference of the people. The gentleman who had urged this last objection seemed to have been strangely inattentive to the question before the house, and to the concluding motion of the hon. baronet, namely "that the house would, early in the next session, take into consideration the state of the representation in parliament." Yet the hon. baronet, who has thus directly appealed to the parliament and to the parliament alone, is unaccountably accused of having made that appeal to the people. This objection was no more understood, since the hon. baronet had expressly declared that he sought not to innovate, but to restore. Mr. Hutchinson ought perhaps to apologize for noticing an imputation which doubtless the hon. baronet had listened to with becoming indifference, but feeling that the character of every member was as it were the property of the house, Mr. Hutchinson could not refrain from saying that the treatment experienced by the hon. baronet was not that which at least on the present occasion he was entitled to. Mr. Hutchinson in supporting the motion did not pledge himself to the plan submitted, nor to any specific plan, but merely to the principle. He was not ignorant of the objections to which any such measure was liable, and he knew that he hazarded much when he professed himself a friend to reform. However concerned as he should be, that the motives which influenced his vote should be generally misconceived, he was prepared for incurring the suspicions, perhaps the direct censure, of many. In a state which secures to the subject so many privileges and blessings, there is an inherent hostility to any measure that by possibility may injure establishments not more venerable from their antiquity than valuable by reason of their intrinsic worth; but this sentiment, laudable as in itself it may be, frequently is carried too far; particularly where it renders us incapable of discriminating between the individuals who are guided by the light of reason, by the sole desire of altering in order to preserve, and those who are influenced by the most treasonable and base designs. The fate of other nations, which have fallen victims either to the treachery or ignorance of their political leaders, or have been overwhelmed by their blind, unbridled passions, adds not a little to the prevailing disinclination and distrust. The honest zeal of the reformer is set at nought; the very excrescences are too sacred to be touched; even the rust of time is to be respected, lest we should injure or deface. But in contemplating the fall of other states, we ought not to forget, that they refused to reform, while reformation was yet possible and safe; neither should we confound with the leveller and revolutionist, those who are only desirous of doing away the abuses and imperfections arising from the operation of time, to which every government and all human institutions are more or less liable. The revolutionist would destroy, the reformer would preserve. It is only the ignorant and superstitious who fancy that that which was originally good, perhaps approaching to perfection, is not subject to corruption and decay—"corruptio optime pessimo." He had no doubt that the foundation and main pillars of the constitution were sound; and while he admitted the theory of the composition of parliament to be admirable, it was impossible not to observe that the people were imperfectly represented, at the present period, in the house of commons. It was his duty to speak respectfully of the decisions of the house, although he had differed from many of those of the

present sessions; but he could not doubt, that had the house been otherwise constituted, the result of their deliberations would have been far different. Had the voice and wishes of the people possessed more influence, the appeals of the members for Oakhampton, Morpeth, Lanerkshire, Boston, Waterford, and Queen's county, could not have been made in vain; nor in the few instances in which ministers were defeated, had there been a different representation, would there have been found a set of men, hardy enough to have defended the measures which were arraigned, and by the vote of the house condemned. For instance, the motion of the member for Hull could not have met with opposition; nor could a moment's resistance have been offered to that of the worthy member for Waterford, who objected to a clause indemnifying from the operation of the law an entire class of his majesty's subjects, which clause was defended by ministers on the extraordinary and disgusting plea of general and incorrigible corruptness; a plea which contained a libel against the people of Ireland, and under the influence of which, an indecent attempt had been made to prevail on the house of commons to screen from punishment those who had corruptly violated the law. When the member for Carlisle, prompted by the purest zeal for the public interest, introduced a bill for "securing the independence and purity of parliament," had the house been differently constituted, no minister would have ventured so to trifle with the feelings and interests of the people as to have converted that bill into one of a directly opposite tendency, a bill which he was one of those who thought ought rather to have been entitled "a bill for more effectually preventing the sale of seats in parliament for money, and for promoting a monopoly thereof to the Treasury by the means of patronage." It originally had his support, but that support he was reluctantly obliged to withdraw, being of opinion that under the all-blything hand of ministers, it soon lost its primitive purity and value; for, by the enactments as they came out of the Committee, it had become a bill calculated to increase the very evil it professed to remedy, and very alarmingly to add to the already too preponderating influence of the crown in the house of commons. There surely must be something radically wrong at this moment, when members in their places have unblushingly declared, that seats in that house were procured by money. The avowal in other times of this practice would not have been tolerated! At the present day it has been made, not only without compunction, but with such effrontery, as to have rendered this great and crying public scandal in itself sufficient to justify a unanimous call for reform. The right hon. gent. (the Speaker), by his impressive and constitutional speech, had exerted himself to assert the dignity, and maintain the honour of the house. That speech should be entered on the journals, that, at a future period, when these debates shall be alluded to, the exposition of the statute law, and of the law of parliament, under the high authority of the Speaker of the house of commons, may appear on record as the fullest condemnation of this fraud on the constitution of parliament. Above all, it was impossible for him to consider the house of commons otherwise than most defectively composed, when he recollected that the seventh session since the Union had nearly closed, and no attempt made to render that measure beneficial to the Irish people, all inquiry into their condition having been obstinately, not to say systematically, repelled, and pledges the most solemn violated with a levity unexampled between nations! never tolerated by man from man! even the letter of the Union not respected! What else was the "Prohibition Bill" than a direct infringement of one of the most positive and explicit provisions of that act! Was Ireland thus treated because she happened to be the weaker party? Had she not sufficiently suffered by the surrender of her national rights? Was this embargo on the export of her spirits to England (perhaps the only benefit, commercial or other, which she has derived from the Union) intended as a foretaste of what she may yet expect? On the whole, judging of the house by their late measures, by that which they have done, and by what they have failed in doing; looking to the formidably preponderating influence of the crown in the house of commons, and in the country, he had no hesitation in repeating his opinion, that a reform of the house of commons had become a measure of absolute necessity, and one which he was convinced would not too soon be effected.

Mr. *Western* said he should give his assent to the motion of the hon. baronet. But he wished to be understood by no means to pledge himself to support the

particular plan suggested by the hon. mover in the course of his speech. He had been a constant friend to Parliamentary Reform. He voted for the motion which was brought forward in the year 1793 upon the subject, and again in 1797, and he certainly was of opinion that a reform in the representation was not less necessary at the present moment than it was at that period; and he was satisfied the times were more favourable to the consideration of such a measure than at the periods alluded to. He thought it essentially necessary to give an assurance to the public, that the house would take the question into consideration early in the ensuing session.

Mr. *Barham* was averse from the pledge, because he was not convinced that the generality of the people were anxious for a reform. But at the same time he agreed that the hon. baronet had been unkindly treated. No speech was ever more distinguished for its candour and moderation, or less calculated to irritate the passions, than that of the hon. baronet. He wished gentlemen would explain a little what they meant by the restoration of the constitution to its original purity. He could not find, in the course of his reading, any time when the people had greater weight in the constitution, than at present.

Sir *Thomas Turton* asked, whether the constitution in ancient times depended so much upon the borough system? In this respect it might be purified. In ancient times the representation was a representation of property. These boroughs were once places of great wealth and property, and upon that ground sent members to parliament. But circumstances being altered, the representation ought to be varied accordingly. In former times, none were free except freeholders; but now copyholders were equally free and secure, and might therefore partake of the freeholders' privileges. As to the personal reflections thrown out against the hon. baronet, any one conscious of the purity of his motives might easily despise these, and in truth, it was always a proof of a bad cause on the side of those who resorted to such means of defence. As to the particular plan of the hon. baronet, he saw very great objections to it in many points of view. But he understood the hon. baronet to require no more than a pledge from the house, that it would consider the subject. He was not over fond of pledges, but concurring in the principle, he would vote for it if pushed to a division. The gentlemen opposite were averse to any consideration of the subject; they would have nothing reformed, and resembled squire Western in Tom Jones, who in one of his disputes with his sister, exclaimed. "that he would be d——d if he went to church if the liturgy was amended."

Mr. *H. Tracey* declared himself friendly to the question of reform, and would vote for entertaining it without pledging himself to the particular plan. The right hon. gent. opposite said, that the generality of the people were not disposed for reform. How did the right hon. gent. ascertain this? The people in their public meetings had, from one end of the kingdom to the other, expressed themselves in favour of reform; and how could their sentiments be collected, except in their public meetings? It had also been said, that the people scarcely ever complained of the decisions of that house. How could that be known? There might be many decisions with which the nation was highly displeased, though its sentiments were not openly expressed. The decision in the case of the Duke of York might have been passed over in this manner, had it not been for some peculiar circumstances in that case which roused the people to a loud and almost universal declaration of their disapprobation. The people had only to become familiar with Reform to see its propriety, and even necessity. It was only by connecting it with the French Revolution, with "no popery," &c. that it had for a time been rendered unpopular. All this, however, was now over. The people would judge coolly and temperately, without allowing themselves to be distracted by such artifices as these. He did not at all pledge himself to the support of the plan now proposed; but as nothing more was required by this Resolution than that the house should take the subject into consideration early in the next session, he would certainly give his voice in its favour.

On a division, the numbers were

For sir Francis Burdett's motion	15
Against it	74
Majority against the motion	59

List of the Minority.

Adams, Charles	Hutchinson, C.
Burdett, sir Francis	Knapp, G.
Campbell, general	Lefevre, C. S.
Combe, Harvey	Madocks, W. A.
Cuthbert, J. R.	Maxwell, W.

Moore. Peter	Wardle, G. L.
Thornton, Henry	Western, C. C.
Tracey, Hanbury	Wharton, John
Turton, sir Thomas	

Lord Cochrane was, accidentally, out of the house at the time of the division, and the hon. Mr. Lyttleton paired off.

[CRUELTY TO ANIMALS' BILL.] Sir *C. Bunbury* moved, that the house should go into a Committee on this bill.

Mr. *Windham* moved as an Amendment, that the bill be committed this day three months.

On the question that the house should now go into a Committee on the said bill, the numbers were

Ayes	27
Noes	37
Majority against the bill	—10

The bill was of course thrown out.

HOUSE OF COMMONS.

Monday, June 19.

[RECAL OF EAST INDIA CADETS AND WRITERS.] Sir *Thomas Turton* rose to bring forward his promised motion respecting the determination formed by the Court of East India Directors, to the peremptory recal of those persons whose appointments to India as Cadets and Writers were procured by corrupt or clandestine influence. The hon. bart. argued at length on what he termed the cruelty and injustice of not only recalling those persons from India, after years of faithful service, but totally ruining their future prospects, by declaring them incapable of being again employed in the East India Company's service; to the preparation for which, the whole education and study of their youth had been devoted. Some of the persons who now became subject to this harsh sentence were young men of first-rate talents, who had carried out with them certificates of being the most accomplished proficients in the Eastern languages ever sent out from England. If any charge of criminality was fairly incurred in these cases, it was not by the parties doomed to be the victims, but by their friends who negotiated, and the Directors who procured their appointments; the persons themselves were not apprized that any risk was attached to these appointments, or that circumstances in the mode of their attainment might render them nugatory; of which it would have been no more than justice to apprize them, in order that they might have been induced to make minute and cautious inquiry before they undertook the trouble and expence of a voyage to India, and devoted some of the best years of their youth to pursuits from which they must now be cut off, for facts of which they would receive the first intimation with the order for their recal. This determination he said, was founded upon a Resolution of a Report so long since as 1796. But even if the parties then injured were apprized of any law which made the places liable to forfeiture that were obtained by purchase or corrupt influence, it was not very natural for them to conceive the Company seriously intended the rigorous inforcement of such a law, when they every day saw advertisements in the public prints, for the open sale and purchase of such appointments, without any public or avowed discountenance from the Court of Directors. The hon. bart. concluded by moving, "That this house do not concur with the determination on the part of the Court in the Report of the Committee appointed to inquire into the Abuse of East-India Patronage, as far as it related to the immediate necessity of recalling, and declaring incapable of holding any future situations, those persons, who, though either innocent or ignorant of the means by which their situations were procured, would be thus visited by a measure of severity equally repugnant to British justice and the rights of humanity."

Mr. *R. Dundas* vindicated the conduct of the Court of Directors in the determination they had felt it their duty to adopt, however painful to their private feelings, but to which they were bound by every sense of official obligation. The hon. baronet was in an error when he stated that this determination of the Directors was founded upon an obsolete Resolution of 1796: for the Directors had long since resolved to pass over in amnesty all the appointments improperly obtained previously to that date. Equally erroneous was the hon. baronet's statement, that the public were not sufficiently apprized of the determination of the Directors upon this subject, or that any person could fairly plead ignorance in excuse; for not only had a positive act of parliament passed upon the subject, authorizing the court of directors to recal any of their servants in India whom they might see cause to recal; but so lately as the year 1806, they announced in the London Gazette, and in all the London and British provincial newspapers, the determination to annul every appointment in their service, which should

appear to be obtained by clandestine or surreptitious means. But if, at the first moment that the Court of Directors, after a long and diligent inquiry, were enabled to discover the appointments thus improperly obtained, parliament was to interfere and prevent them from carrying into effect their resolution; and the offence was to pass with impunity in the only quarter where it could be punished with exemplary effect, it would be in vain for the Directors to pass any resolution, or lay down any law for the prevention of such abuses. For these reasons, not seeing the house of commons in any degree bound to adopt the proposition, he would, out of respect to the hon. baronet, rather than oppose him by a direct negative, move the previous question.

Mr. *Bankes* spoke in favour of the Report of the Committee, and thought that the house should pause before they would interfere with the Court of Directors. He called upon the house to recollect, that the act invested in the Court those powers which the present Resolution went to interfere with. He said that it was quite futile to make the provisions which had been made, if they were to be frittered away by excepting the sons of the persons who had purchased those situations. As, therefore, the motion appeared to him to have a tendency to interfere with the Court of Directors and the Act of Parliament, he should vote against the motion.

Mr. *Windham* said that he could not help adverting to that subject upon which, on a former night, he had occasion to make some observations. He meant that sort of outrageous virtue, that, while it laid claim to immaculate purity for itself, went beyond all bounds in venting its vengeance against the alledged criminality of others. This was too much the principle in the present case. In this way of overdoing justice, gentlemen seemed to argue in the same way the great king of Prussia did; who, when a soldier in a fresh breeze had his hat blown off, had the soldier severely punished for this accident: and it certainly was observed afterwards, that whether the man was innocent or not, fewer hats fell off afterwards. He, however, was not for arguing in this manner in order to justify the punishing the innocent, which he took to be impossible. And indeed, before any such absurd principle was resorted to, *cuncta prius tentanda.* Every means should be tried to get at the end desired, before they should adopt so harsh and unjust a mode as was suggested by the Report of the Committee. He should vote for the original motion.

Mr. *Wallace* objected to the Resolution, because he could see no good to arise from it. The substantial object of the motion was to be relieved from the Resolution of the Directors, which the house could not effect by such a measure; and it would be most unconstitutional to attempt, by a Resolution of that house, to overawe the Directors in the due discharge of the duty vested solely in them by act of Parliament. It would, in fact, be to do away, by one branch of the legislature, what had been enacted by all the three branches, who had left the whole power of sending out and recalling their servants, entirely to the discretion of the Directors of the East India Company. The hon. baronet thought the Resolution of the Directors should at present be only prospective, but if that were to be the case, how could they, after what had passed, suppose that it would be more effectual than it had been on former occasions? He should therefore give it his negative.

Mr. *Stephen* spoke in favour of the motion. He said, that when this matter of the traffic in East India Patronage first came accidentally before the house, he had given it as his opinion, that the house, in appointing a Committee, went out of its province, and had no more business to interfere than they had with the conduct of the clerks of the Bank of England; but having once so far interfered, and the Committee, from feelings of a proper indignation, having expressed a strong opinion on the transaction, he thought it would be but fair and reasonable in the house now to give their opinion on that part of the Report of the Committee, in order to neutralize the matter, and that the house might leave the question where they found it, and that the Directors might be at liberty to act as they thought proper after it. He coincided in opinion with Mr. Windham, and thought the Resolution of the hon. baronet not only an act of humanity, but of strict justice. He dwelt with considerable feeling on the hardship of ruining young men who had suffered the unspeakable torment of having torn themselves from their nearest and dearest relatives, friends, and from their native country, for the purpose of rising in the world; whose prospects would perhaps be just beginning to brighten upon them, when they would receive their recal, for

an act done by their father or guardian, to which they were no parties, but altogether ignorant of any thing having been done amiss. Was it to the father who gave the money they were to be brought back? Alas! no—the father might be dead before their return, and it might be to the sorrowing arms of a widowed mother, who looked to him as the prop of her old age; or to those of destitute sisters, who would behold in him an object of beggary and ruin. He was a total stranger to all the parties who could be affected by the resolution of the Directors; but, from the circumstances he had mentioned, he could not refuse his support to the present motion.

Mr. *Grant* (the Chairman of the East India Company) went into an historical account of the proceedings of the Court of Directors since the year 1798, in which he enumerated the various reasons for entering into the Resolutions in 1799 and 1806, respecting the sale and traffic of East India Patronage, and said the Directors thought themselves bound to adhere to the letter as well as spirit of them. The power had been invested in them by the Committee, and if taken out of their hands it must weaken, and in the end destroy, the establishment. When the matter of there having been improper practices first came out before the house, it was very warmly taken up; a Committee was appointed to inquire into the business, and the daily papers teemed with comments and reflections, to the tendency of which the Directors could not be insensible. The learned gent. who spoke last had said, that he supported the motion because the Resolution proposed by it would neutralize the report of the Committee. He for his own part could not, however, see how it was so to operate; because the Directors did not form their Resolution on that Report, but from a conviction in their own minds that it was absolutely necessary. He had no authority from the Court to express their sentiments; but he could say for himself, that unless the opinion of the house should be peremptory and expressed as a kind of command on the Directors, he, for his own part, having acted from conscientious motives, and done what he thought the welfare and best interest of the Company required, could not alter his opinion on the subject. As to the argument of inhumanity, it certainly applied to the parents of the young men who are gone out, who knew they were acting wrong in giving money for such places, and by no means to the Court of Directors. He should therefore oppose the motion.

Mr. *Fremantle* said the Resolution was not meant to be imperative; it was no mandate, but merely the opinion of the house on the Report of one of its Committees. He thought the Resolution a very proper one, and called for not only as an act of humanity, but of strict justice, and as such it should have his vote.

The *Chancellor of the Exchequer* thought the motion, as worded, clearly told the Directors they had acted contrary not only to the principles of British justice, but also contrary to the common rights of humanity. He thought if the house adopted the Resolution, they ought to go further, and tell the Directors, that they have not only acted wrong, but must rescind their Resolution and blot it out of their book. The hon. baronet must, surely, mean that; or else, master as he had often proved himself to be of language, he would never have worded the motion as he had done. The hon. baronet, and all those who supported the motion, had advanced the same arguments; had all contended there was not sufficient notice. He insisted on the contrary, that the Resolutions of 1799 and 1806, published as they had been in the Gazette, provincial papers, and in all the instructions of the Court of Directors, were fully sufficient. It had been said the house did not want to interfere with the powers of the Directors, but only to neutralize them. He thought the house could do no such thing, but that the effect must be what he had stated. The Directors had, in his opinion, fairly drawn the line; they had confined themselves to the facts last brought to light, and no one would suffer by the resolution but those who had used those illegal practices since 1806, which was no great length of time. For one, he thought the house ought not to interfere with the Directors, who had acted only in a responsible situation, in such a manner as to prevent the patronage of the Company from being abused. He must therefore oppose the motion.

Sir *Samuel Romilly* saw no impropriety in that house coming to any Resolution upon a Report of their Committee; but he saw great injustice in the mode of procedure recommended for the recall of those gentlemen, whom they could not put into the same places here, of which they deprived them in India, though avowedly innocent of the offence they wished to put a

stop to. Not to dwell upon the sacrifice of health, friends, and connections, which they had submitted to, the injustice itself was sufficiently flagrant without dwelling upon any other consideration; what would they say of those legislators who should enact the punishment of the children of those offenders who had fled their country, in order to avoid the consequence of their crimes? The cases were parallel, for in the present instace they were going to punish the children for the offences of the father. But he confessed, he did not know how well to account for the great display of austere justice; gentlemen on the other side seemed so ambitious to make, and in that house, too, in their places in parliament, and above all in that very session of parliament—a session in the course of which those austere notions of justice had been so softened down and accommodated to existing circumstances—a session in which there had been so much of generous allowance and clemency, and where such abundant room was made for the *locus penitentiæ!* [Hear! hear!] The offenders, to be sure, were rather of a higher order than that of a humble Cadet. But, surely such rigorous proceedings did not become that house in that instance against those avowedly innocent, when in a case in which a Secretary of State was the accused, they thought it right to go no farther in it, because it was possible that as he did not complete the crime, he might have haply repented before he would have completed it. If in that and other instances they thought it better to look rather to the future than the past, why should they think differently now? When even in the case of Mr. Beauchamp Hill, who was charged with receiving bribes, to connive at frauds in the revenue, they had thought it best to overlook what was gone by, upon what principle of consistency could they now adopt a course of such implacable severity towards the innocent.

The *Attorney General* said, he could not but think the opinion just given by his learned friend, had been adopted merely to introduce the observations he had made. He restated the arguments of the Chancellor of the Exchequer, and said, the only question was, whether the house should by the Resolution, intimate to the Directors that they ought to rescind their Resolution. If this motion was adopted, it must have that effect; and he should therefore oppose it.

Mr. *Peter Moore* spoke shortly in favour of the motion. He said three Writerships had been disposed of.* Who gave these Writerships? Mr. Thellusson. Who sold them? Mr. Woodford, his relation, to whom he gave them. Mr. Woodford had been obliged to leave the country, and Mr. Thellusson was turned out of the Direction. The Directors had punished those who were guilty, and they had done enough. Any thing more would be to visit the sins of the fathers on the children, and he should therefore vote for the motion.

Mr. *Lushington* was so confident that the Cadets would suffer no injustice from the Court of Directors, that he would vote for the previous question.

Mr. *Hutchinson* paid a tribute to sir Samuel Romilly, and commented on the happy applications of that learned gentleman's great abilities, to the proceedings of that house during the present sessions.

Mr. *H. Smith* was for the previous question.

Mr. *N. Vansittart* expressed a wish that the Court of Directors would reconsider their determination.

Mr. *H. Thornton* said, though the rule might in strictness be thought a harsh one, still as under the controul of the Directors it would experience relaxation, he thought the motion was unnecessary.

Sir *T. Turton* then replied. He said, that it was admitted that the rule ought to be relaxed, but if it was so harsh a one, why should it not rather be given up altogether? He denied that his Resolution had any tendency to interfere with the powers of the Court of Directors or with the acts of parliament. It was a Resolution upon a passage in a Report of their Committee, and it was every way competent for them to discuss and decide upon it.

The house then divided, when the Resolution of sir Thomas Turton was negatived, the numbers being,

Ayes	35
Noes	77
Majority against it	42

[PUBLIC ECONOMY.]—Mr. Wardle rose and spoke nearly as follows:

Sir; Had I not been so loudly called upon, on a recent occasion, to explain a statement I at that time made, I should not at this moment have thought it necessary to trouble the house upon the subject; but being so called upon, Sir, I think I have a peculiar claim to the indulgence of the house.

In the first place, Sir, I beg to state what it was I did assert upon the occasion alluded to. I said, Sir, "That on the event of an efficient Reform in Parliament, such a reform as would insure to the people in their representatives, active supporters of their rights, and faithful guardians of their purse, I did not hesitate to say, that I was of opinion that the amount of the Income Tax might be done away."

Had no preceding declarations of a similar nature been made by others, I should not have been surprised at the insinuations that were thrown out, or at the clamour that was raised against me in consequence of such observation; but I confess I am not a little surprised at such insinuations and such clamours, when I have discovered that language similar in its tendency, though much stronger in itself, had been used by a statesman, so peculiarly respected by the gentlemen opposite; I mean Mr. Pitt, who, in 1782, said, "If there always had been a house of commons who were the faithful stewards of the interests of the country, the diligent checks of the administration of the finances, the constitutional advisers of the executive branch of the legislature, the steady and unqualified friends of the people, I ask, if the burthens which the constituents of the house were now doomed to endure, would have been incurred?" Surely, Sir, this is far stronger language than I used. Mr. Pitt tells you, that under such a house of commons the people would not have been taxed at all: the extent of my assertion was, that a given proportion of their enormous burdens might be done away. On that particular occasion to which I allude, and indeed on several other occasions, I was accused, together with those gentlemen with whom I am most in the habit of acting, of systematically attacking the characters of public men. I solemnly deny the charge; and I do declare, that I do not recollect a single instance in which directly or indirectly I had aimed an insinuation against an individual. That I have attacked a system of corruption, that I have attacked the parties acting upon and defending that system of corruption, I am free to confess; but as to attacking an individual in any other shape than that of a direct and specific charge, I positively deny; if I had done so, it would have been contrary to every principle by which my public and private life have been regulated. But to that system of corruption, which from my soul I deprecate, I shall ever oppose myself; and in so doing I am again supported by the conduct of Mr. Pitt in 1782. He then declared, that "The defect of representation is the national disease; and unless you apply a remedy immediately to that disease, you must inevitably take the consequence with which it is pregnant. Without a Parliamentary Reform the nation will be plunged into new wars. Without a Parliamentary Reform you cannot be safe against bad ministers, nor can even good ministers be of use to you. No honest man can, according to the present system, continue minister." So much, Sir, for the system of corruption. And after these quotations I trust that the clamour that has been raised by the friends of this statesman will cease to exist.

Without further preface, I shall proceed to state the reasons on which I founded the opinion I ventured to give, making only one preliminary remark. That such a house of commons as I described would ever keep in view two points: the one, whether the thing was necessary; the other, (if found necessary,) that it ought to be carried into effect in the cheapest possible manner consistent with efficiency.

The first thing that gave rise to that inquiry, that established in my mind the opinion I delivered, was my observing in the Finance Reports that there was a regular and great increase in the expenditure of each successive year. That in the year ending 5th January 1808, was 71,989,000*l.* that of the year ending 5th January 1809, 79,391,000*l.* being an increase of 7,400,000*l.* in one year of the public expenditure; this circumstance did much astonish me, and I have now closely gone into the subject. The result of my investigation I beg to communicate, and I shall begin with the Army. And the first point to which I beg to call the attention of the house, and one in which a considerable saving may be made, is that of the Household Troops. These household troops, independent of the guards, consist of two regiments of horse guards, 831 strong; and of the Blues (or king's own,) 654 strong. The two regiments of horse guards cost the country 73,317*l.* per annum, besides the expence attendant on the horse appointments, &c. The whole of this expence might be saved the country, as the Blues, 650 strong, were quite sufficient for all parade duty; and

it is a well known fact, that the two regiments of horse guards never were employed on service, and therefore, for the reason I have stated, a perfectly unnecessary expence.

Our Cavalry force at home (independent of the household troops,) of dragoon guards and light dragoons, amounted to 23,499. I believe it will not be denied by those military men who are competent to judge upon the subject, and upon whose opinions implicit reliance might be placed, that even under existing circumstances, with the continent open to us, that a force of 15,000 horse would be completely sufficient for any thing that could be wanted, besides the regiments of volunteer and yeomanry cavalry, and our dragoons in the East Indies. I then hold it unquestionable, that the regular dragoon establishment at home might be reduced to 18,000 men and 15,000 horses. The present expence of these dragoon regiments (exclusive of the expence of horse appointments, &c.) is 1,277,610*l.* per annum; by this proposed reduction, the saving would be 340,000*l.* per annum.

The next point of our military establishment to which I shall advert, is that of the Foreign Corps. This establishment is 24,572 strong; 3,470 of which number are cavalry, and 579 artillery. The expence attending it, besides contingencies, is 1,008,017*l.* per annum. I shall boldly maintain, that a house of commons, such as that I have described, would never vote one shilling for the support of a force perfectly unconstitutional, and, in my mind worse than useless, extremely dangerous. That illustrious character lord Chatham, in 1757, in the midst of a war, when the bugbear of invasion was held out to alarm the people, thought it his duty to send all the foreign troops out of the country: and fully I am persuaded, that if the voice of the people was heard within these walls, such would be the case at this period. It is far from my wish to reflect upon any body of men; but if gentlemen would recollect the conduct of these foreign mercenaries at Quiberon, at Malta, &c. they must in necessity admit, that although some of these foreign regiments might have distinguished themselves, still that taking into consideration their good and bad conduct, the conclusion must be, that they are not to be depended upon, and therefore ought not to be continued. It is a well known fact, that in Hanover they deserted to the enemy, even with their horses and appointments; and that the British troops were employed to watch over them, and eventually to see them once more embarked aboard our ships. Nor when we consider the mode of levying them, can this be wondered at. Has it not been proved to this house, that numbers of them were taken out of our gaols, and at a bounty too, by M. Charmilly and others of that description. Nay, more than this, I know and can prove, that from the Spanish gaols they were also enlisted at a bounty, and thus was part of Dupont's army received into our ranks. If this, Sir, is the sort of force that Englishmen would wish to have connected with their native army, I am strangely deceived: but, Sir, my opinion upon this subject stands confirmed by those of officers high in the confidence of his majesty's government. I allude to sir R. Wilson and the hon. general Stuart: the former, Sir, condemns the sort of force being connected with our establishment; and general Stuart, in his pamphlet, thus expresses himself, "The sooner, however, that foreign troops are removed from our service probably the better, they are as expensive as our own levies; and Great Britain is, of all nations, that which neither requires nor ought to have foreign mercenaries." But on this point, as I have before stated, I have the high sanction of the great lord Chatham. I have, I am persuaded, still higher authority with me, the feelings and judgment of the people of England. And under this conviction, painful is the reflection to me, that above a million of the public money should be expended upon them. Another and a very strong objection to these foreign troops is that the general and field officers belonging to them had in some instances their commissions ante-dated, so as to put them in command over the British officer. This I know to be a fact, and it is a reason in itself sufficiently strong to induce me to say, they ought not to be suffered to remain in the country.

The next corps to which I shall speak, is one of a different complexion. It is an establishment of late years, the Royal Staff Corps. I can find no other estimate of the expence of this corps than one of 20,000*l.* a year; but I am aware that the establishment is a very expensive one. This Royal Staff Corps is neither more nor less than a branch growing out of the Engineers, and formed for the purpose of

patronage, our great and eternal bane; the numbers of the engineers might, if that had been necessary, have been increased, and this would have been done at a light expence to the country.

The next topic is that of the Militia, and I trust I may throw out a consideration that may be deemed worthy the attention of the house. The Militia of the United kingdom amounts to 109,070 men, the annual expence attending it is 3,000,000*l.* If one half of the men were allowed to be absent the three harvest months, which would be infinitely serviceable to the agricultural interests of the country, the annual saving thereby effected would be 300,000*l.* and on the score of discipline, little injury can be apprehended, as this formed part of the system of the great Frederick of Prussia. A further saving in the militia expenditure might be effected, by incorporating some of the small corps, and forming them into battalions of a thousand each.—Fifteen of the regiments, chiefly Welsh, would form five regiments of the strength I have mentioned, and would give a saving to the people of at least 20,000*l.* a year.

In the next place, I shall advert to a new establishment, that of the Local Militia, and one that has been marked by a most profligate and wanton expenditure; an establishment, that in my mind is not of that description that ought to have been resorted to, in such times as these, when it is clear that the battle for our rights and liberties against our foreign foes, if fought at all upon English ground, must depend upon that invincible force, the armed population of the kingdom. By the Estimates on the table it appears, that there had already been voted on this account,

	£
For pay, - - - - - - -	458,532
For the Staff, (on account, when not embodied,) - -	306,960
Clothing - - - - - -	417,831
Contingencies, - - - - -	36,480
	£. 1,219,803

And in addition to this it appeared, that no less a sum than 240,000*l.* had been paid to the volunteers, for changing from one home service into another. Of all the profligate public expenditures that I know of, this, Sir, appears to me the most profligate. And let me ask, whether such a house of commons as I have described, would thus have voted away the money of the people? Let the staff of this establishment first be considered, 306,960*l.* the expence attending it, for that period when the militias were not embodied. Can any thing be more monstrous than this; does any one that hears me, believe that any good can arise from such extravagance! If the defence of the country was the object, if the discipline of the local militias was the object, nothing of this sort would have been resorted to. All this might have been effected without any expence of the kind. An adjutant and serjeant major attached to each of these regiments would have been enough, the old militias of the different counties sending in a sufficient number of their steadiest men, to act as lance-serjeants and corporals, during the month of exercise; thus would this enormous expenditure for the other eleven months have been spared to the country, and every possible end, or rather every good end of the establishment been attained Let the clothing be next considered. It is a fact, Sir, that in many instances the new clothing has rather been an incumbrance than otherwise, for several of the corps filled from the volunteer ranks, were perfectly well clothed and appointed before. But I argue further, that if any clothing at all was necessary, the voting such expensive clothing, was highly improper. I understand, that now given to them costs 3*l.* per man, but I contend that for half-a guinea per man a jacket and trowsers, are quite sufficient for the sort of service, might have been supplied to them; and I am strangely deceived if they would fight the enemy with greater gallantry in the one clothing than the other, and that in my opinion is the object that ought to be kept in view. On a due consideration of all the circumstances, I feel persuaded that here a saving of 700,000*l.* a year might be made!

From this subject it is an easy transition to that of the Volunteers. I find the estimate of the expences of the volunteers, exceeds a million of money for this year, a circumstance that appears extraordinary, as I have just shewn, that no less a sum than 240,000*l.* has been paid to the volunteers for exchanging their service to the local militia, and the total expence of this establishment last year 1,094,379*l.* so it seems a determined point, that though the numbers are lessened, the expenditure should continue the same. But, Sir, I am of opinion that the million of money might

be saved to the people, for why should we not resort to that system, that answered so well a few years ago, and which without a doubt might still be resorted to with good effect. In the year 1780, the volunteers of Ireland served their country without either pay or clothing, and I believe it must on all hands, be acknowledged, that more efficient volunteers never had been established. That the same system should now be pursued, is not only my opinion, but that also of officers high in the confidence of the government, I particularly allude to sir Robert Wilson, and beg leave to read an extract from his work. Upon the subject, he says, "Every householder should be obliged to provide, and keep a stand of arms in good order. Every man in the empire should be instructed in the use of them, and in short time the humblest individual would be ashamed, if he did not know the necessary exercise. Military ardour is very readily inspired, but the pursuit must not be attended with great inconvenience or expence." He adds "military clothing is not necessary for such a force. The eye may not be equally gratified, but appearance is not worthy a moment's attention. With the preparations for a contest which ought not to last six weeks, what has the attire to do? What advantage does a splendid dress offer to the state? Where are the funds for supplying this expensive equipment?" These, Sir, are the sentiments of a British officer, fixed upon by his majesty's government, for establishing a force of the sort at this period, in Portugal. I most cordially agree with him, and in agreeing with him, recommend the saving a million of money from the burthens of the people.

The next establishment to which I shall beg the attention of the house, is that of the Royal Waggon Train. By the papers on the table it appears, that besides the extra expenditure, which I understand to be great indeed, the annual expence of this corps is 48,993*l.* and yet I am persuaded that all disinterested persons acquainted with this establishment, would declare it to be as useless as it is expensive. The waggons had been found fit only for home service, where they were not wanted; the absurdity of the system was fully ascertained in the expeditions to Copenhagen, Spain, and Hanover; where it was proved to be perfectly inefficient. Under this impression, I have no hesitation in saying, that this establishment ought to be abolished; the extent of saving by its being done away, further than the 48,993*l.* a year, I have no documents to shew. This waggon train had been formerly attached to the ordnance, and it would, I believe, be difficult to give the house a satisfactory reason for its being removed from it.

The next corps on which I shall have to remark, is one that never has, as I am informed, either done or offered to do any service whatever. I mean the corps of Manx fencibles; it costs the people 24,184*l.* a year; and is stationary in the Isle of Man, where volunteers are also established; to comment upon such an expenditure as this, must indeed be unnecessary. I claim the whole as a saving.

The Staff of the army I shall now proceed to comment upon. The general annual sum it costs the country now, amounts to no less than 449,649*l.* the expence of the home staff according to the papers on the table is 255,590*l.* a year, that for Great Britain, I believe, in the year 1793, was only 38,929*l.* Any thing more flagrant than this could not readily be conceived, without dwelling upon a point that speaks for itself. I will at once pledge myself to shew, that 200,000*l.* a year ought to be saved to the country.

I beg now to call the attention of the house, to the recruiting staff, bounties to recruits, and the levies. The recruiting staff costs the country 34,939*l.* The extent of bounties given to recruits is known to the house, and above all the profligate expenditure that has existed under the head of levies, is fully ascertained. The expence that has attended this vile system is enormous, and I do not hesitate to say, that if a stop were put to it, and if that wise, just, and honourable plan of the right honourable gentleman near me, was acted upon, that a saving of 200,000*l.* a year might be made, and the service materially benefited.

The next subject, is that of Army Agency, 61,075*l.* was now annually expended, and I will take upon myself to prove that 51,075*l.* may be saved, and the business as effectually carried on, by the addition of 10,000*l.* a year to the general agency office already established.

I have before this period stated, that the business of the War Office might be effectually done for 30,000*l.* a year, which would save 24,000*l.* I repeat that assertion, and I beg to add, that a like saving might be made at the Pay-Office, giving to the country on both 48,000*l.* a year.

I shall now take into consideration the

Ordnance department, where I find the expenditure to be in the year ending 5th January, 1807, 4,511,064*l.*
1808, 4,190,748*l.*
1809, 5,108,900*l.*
an increase in the last year, of near a million of money. But, Sir, without detaining the house one moment unnecessarily, I shall proceed to particulars. And first as to three establishments, bearing in some degree on each other. The horse artillery, consisting of twelve troops, which cost annually, independent of great contingent expences of which I have no return, 113,000*l.* The corps of artillery drivers 229,000*l.* besides enormous contingent expences. The contract horses 299,083*l.* The latter sum I have no fear to say, might certainly be saved to the country, for I have it from an authority I cannot doubt, that the horse artillery, with the corps of artillery drivers, was more than could be wanted under any possible circumstances. The artillery drivers are at present entirely attached to the guns, and part of their duty is performed by the contract horses, and this too at a moment when the horses belonging to the corps of artillery drivers were actually suffering from over-feed and idleness. If any gentleman doubted the fact, if he would only go as far as Woolwich, he would be convinced that such was the system of the ordnance, and that too at the very place, where we might have hoped, such flagrant abuses could not have existed.

The next subject, and one to which I think the attention of the house should be particularly directed, is that of our Fortifications at home. Particularly, Sir, as it is not many years ago, that after a long and able discussion it was declared to be the opinion of the house, that a stop should be put to what was then deemed an useless expenditure of the public money, and a more useless expenditure could not in my mind be readily discovered. By the papers on the table it appears, that about 700,000*l.* has been expended in the last year, on the building and repairs of fortifications at home. This was highly unjustifiable, and would appear the more so, when the mode in which it was applied was considered. A more conclusive specimen of the waste of the public wealth, can no where be found better than on Romney Marsh, where for the protection of our shores as we are told, a great number of Martello Towers and batteries have been erected. It was intended that these towers should each carry a long gun and a howitzer; after they were all finished, it was discovered that the dimensions had been mistaken, and that they would only carry the long gun, and this gun cannot be brought to bear upon any object within 250 yards of the tower, leaving of course that proportion of dead parts; but this mistake is not the only one, the foundation was upon a par with the upper works; and in November last, there was no small degree of alarm for the safety of these towers, in consequence of there being several feet of water in them; four out of the number are built upon quicksands; but still a more extraordinary part of this system of defence, is that six miles of shore beyond the last of these towers, (rather more commodious for landing than that part that has been fortified), is left open to the enemy, without even one solitary tower or battery; there remains then one thing yet to be done, to persuade the enemy to allow the English Pilots to bring their ships within the range of our fortifications.

The Royal Military Canal is another specimen of folly and of wanton waste of the public money. This canal is intended as a line of defence; it begins on Romney Marsh, and is continued for about twenty miles. As a military work, it rivals the fortifications I have just mentioned; if possible, surpasses them: for it is so constructed, that the fire of the soldiers within the parapet cannot be brought to bear upon the canal, so that the boats of the enemy might cover it unmolested, particularly as the canal has not a single flanking position. These blunders, like those of the Martello Towers, were soon discovered after the work was finished, and now I hear it is a matter of dispute, how a further sum of money should be laid out, whether in flanking positions, or building towers for its defence. Thus was the public money wasted! and this too after the subject had been so fully discussed and decided in the house of commons. Fortifications are not wanted in this country: the people of England can defend their own shores! I would ask, what were the use of the enormous fortifications building on the heights of Dover? To man those fortifications, together with Dover Castle, would take twenty thousand men. And is there any one mad enough to suppose, that Buonaparté would attempt to land in the face of ten thousand British soldiers, without any fortifications whatever; but here

was double that number of our troops to be locked up and incapacitated from serving in the field. Under all these circumstances, I do not doubt but that 500,000*l.* out of the 700,000*l.* annually expended, might be saved to the country, the remaining 200,000*l.* appears to me a larger sum than ought to be appropriated to any such purposes. I have further to observe, that the fortifications erected in Essex are now falling rapidly into decay; and that whilst the famous military road in Surrey is ploughing up, it must be a satisfaction to the public to know, that another is forming in Scotland; and that probably when that is again ploughed up, that one may possibly be constructed in Wales.

I shall next proceed to consider the Commissariat. Of this department too much has been heard, too much is known to entitle it to any respect. The evidence so lately given upon this subject by sir Arthur Wellesley was quite sufficient to stamp its character; and I understand that this gallant officer, whose judgment and accuracy no man would doubt, was no better pleased with his present commissariat, than he had been with the one that preceded it. The papers on the table would shew, that from the army extraordinaries alone no less a sum had been expended in the foreign commissariat than 1,542,705*l.* Of the expence of the commissariat at home there was no account; but that of Ireland deserved particular attention. The establishment in that kingdom is stated to cost 95,903*l.* a year, the amount of the supply issued to the troops 159,231*l.* so that about 75*l.* per cent. is paid for the delivery. Whether the same economical system is pursued in the foreign and English departments I know not; but this I know, that the profligate expenditure of the commissariat is proverbial, and that a saving of at least 500,000*l.* a year might be made without difficulty.

The next item of our military establishment, and one that keeps pace in wanton and excessive expenditure, is the Barrack department. The barracks of Great Britain and Ireland cost the country last year 764,942*l.* To prove this a most shameful expenditure, there would be no difficulty; for amongst other things it is a fact, that at the time 100,000*l.* is granted for the building of new barracks, several barracks, long ready for the reception of troops, remain unoccupied, as do many for which annual rents are paid. In the county of Wicklow, I believe there are no less than three excellent barracks unoccupied, notwithstanding which the job goes on, and new ones are now building, and this at a moment when timber is advanced from 50*s.* to 25*l.* per ton! add to this the abuses detailed in the Reports, and many of which exist in full force, and there can be little doubt but that 350,000*l.* might be annually saved from this monstrous expenditure.

Upon the Medical department of the army I have already given my sentiments in this house; I have now only to repeat what I before stated, that I believe 100,000*l.* a year might be saved to the country, independent of the heavy pecuniary loss we sustain in the numbers of our troops that fall victims to the maladies that so dreadfully prevail in the West Indies, and other such climates which medical men of ability, and acquainted with the subject immediately before us, calculated at much more than 100,000*l.* a year.

To the next subject, I have also before called the attention of parliament, I mean the Cloathing of the Army. Whenever I have an opportunity of renewing that discussion, I shall be ready to shew that nine shillings a man may be saved to the public, if open competition instead of private bargain is resorted to. Gen. Stuart in his pamphlet thus writes upon this subject. He says, "The clothing and accoutring of regiments ought to be undertaken by government, and not by colonels, who as inspectors of the contracts of others, will do the soldiers as much justice as by the present system; it is conjectured that a much smaller fund than is as at present raised by stoppages might suffice, if the method pursued in clothing the Austrian army was pursued in our own." Now, Sir, in confirmation of this doctrine, I learn that Mr. Courtney, the army clothier, has at this time 5*s.* 6*d.* a man by open contract less than Messrs. Pearse have by private bargain, on the clothing alone; and I maintain, if the accoutrements were also supplied by open competition, that the nine shillings would be saved, amounting upon 300,000 men to 135,000*l.* a year. The clothiers under private contract were also, by their own confession, in the habit of charging at the rate of ten per cent. a year in consequence of not being paid under six months. Now, without much calculation, it is clear that the borrowing the money even at five per cent. and making prompt payments, would give an additional saving of 35,000*l.* a year, supposing

the amount of the clothing only to reach 700,000*l.* a year. But here we are cutting with a two-edged sword; for in other departments I can shew, that money by impress bills is paid in advance to contractors and others (who ought not to be so paid), and our army clothiers are charging us at the rate of ten per cent. because that money is given to the contractors, and not applied to that purpose which would be of advantage and a great saving to the country. Another considerable saving, to the amount of 20,000*l.* a year, may be made on the packing and insurance of the clothing to foreign stations. And in this year's extra clothing to Spain, &c. added to the colonial corps, if open competition had been resorted to, 100,000*l.* might also have been saved, making the amount of saving on this year's clothing expenditure 270,000*l.*

I shall now, Sir, conclude the consideration of the military department, with a statement of what the general expenditure has been for the last four years.

In the year ending,

5th Jan.	1806 - - -	17,314,023*l.*
	1807 - - -	15,275,859
	1808 - - -	15,596,539
	1809 - - -	17,490,111

In justice to those gentlemen who never were in the habit of sparing me, but to whom I do not feel the less disposed to do justice, I must observe, that during the two years that they were in office, the military expenditure of the country was two millions less than what it had been under the management of their predecessors, or than what it was under the management of his majesty's present ministers.

Having done, Sir, with the military part of the subject, I shall now proceed to the civil. It appears to me, that a very material saving may be made in the expence that now attends the Collection of the Revenue. And first, with regard to the post-office; by reports that have been on the table, it was proved that within the four last years, immediately following the event of Mr. Palmer quitting the post-office, there was an increased expence in that establishment of above 180,000*l.* Under Mr. Palmer's management, the expenditure did not exceed 200,000*l.* a year, it was now 400,000*l.* Why this increase had occurred, or rather why it had been suffered to occur, I know not, but I feel perfectly convinced, that no satisfactory reason can be given for it.

I have obtained much information with respect to the Collection of the Customs, and as to the patronage of that department of the revenue. Amongst other things, I find that before the erection of the East India, West India, and London docks, the landing surveyors had considerable difficulties to encounter from the extent of the wharfs over which they had presided. When those docks were built, and the sphere of their labours was consequently commodiously contracted, it was fairly to have been expected, that their numbers would have been decreased, on the contrary three additional ones were appointed, and the public have ever since had to pay, ten instead of seven. Similar abuses of patronage in that and other departments has come to my knowledge, but the one instance sufficiently proves the system, and it will not, I am persuaded, eventually be found that I have not strong ground for asserting that a very material public saving may be made here. In the stamp-office, the annual charge would be found 130,000*l.* per annum; a decided waste of the public treasure was apparent here: this expenditure I could shew, might be greatly reduced indeed. For the collection of the window light duties in Scotland, the charge was 20 per cent. for that of the old malt duty, 16 per cent.; for that on candles, 12 per cent. Would any one be bold enough to say, that these were proper charges? I think not, and I hope to prove hereafter, that they ought greatly to be lowered. I shall next advert to the receivers general, who are, I understand, allowed 1½d. in the pound, and that upon six millions of money annually, besides balances allowed to remain in their hands to the amount of 410,000*l.* the loss of interest upon this to the public, is above 20,000*l.* a year; but the fact is, as the accounts at the end of the year will shew, that instead of 410,000*l.* balances, to the amount of near a million will be found in their hands and in those of the collectors. Why such a practice as this should be tolerated, instead of those balances being paid immediately into the bank of England, I am at a loss to conceive.

I shall next take a comparative view of the expences attendant on the collection of the revenues in England, and Scotland. I find it to stand thus. The expence of collection of the

Customs, England, 6*l.* 14*s.* 5*d.*
Scotland, 8*l.* 5*s.* 8*d.*
Excess in Scotland, 1*l.* 11*s.* 3*d.*
Excise, England, 2*l.* 15*s.* 3*d.*
Scotland, 6*l.* 3*s.* 3*d.*

Excess in Scotland, 3*l.* 8*s.* 0*d.*
Stamps, England, 3*l.* 2*s.* 11*d.*
Scotland, 4*l.* 18*s.* 8*d.*
Excess in Scotland, 1*l.* 15*s.* 9*d.*

This difference appears to me very extraordinary, and I am persuaded, that the expence of collecting these revenues in Scotland, may at least be reduced to the rate now charged in England. The land and assessed taxes in Scotland, are collected at 2*l.* 19*s.* 11*d.* per cent. when the collection in England costs 3*l.* 12*s.* 9*d.*—an excess of 12*s.* 10d. per cent. in England. I would ask in what does this originate? The gross receipt of the revenue of Great Britain, for the year ending 5th January 1809, amounts to 64,734,272*l.* the charges of management upon this sum, amounted to 2,816,568*l.* being at the rate of 4*l.* 12*s.* 9*d.* per cent. by reducing this charge to 3*l.* per cent. of the practicability of which, for reasons already stated, and others equally strong, I have not in my mind the most distant doubt, the annual saving to the public would be 1,051,930. But, according to the system now pursued the expence of collecting the revenues increases annually: for the year ending

5th Jan. 1807, it was, 4*l.* 5*s.* 0. per cent.
Do. 1808, 4*l.* 10*s.* 5*d.* do.
Do. 1809, 4*l.* 12*s.* 9*d.* do.

Why was this? As the revenue increases, the rates of collection increases, when in fact, they ought proportionably to diminish. I will again, Sir, do the late ministers the justice to observe, that during their continuance in office, it was, that the revenues were collected at the lower rates, and indeed, since the year 1807, when they quitted office, the charge for collection has increased 7*s.* 9*d.* per cent. making a difference to the people of no less a sum than 205,252*l.* per ann. I think I have now, sir, shewn sufficient ground for my opinion, that above a million a year may be saved in the collection of the revenues of Great Britain. I shall now proceed to comment on the rate of collection in Ireland, and I trust, when I am speaking of the savings that may be made, in this part of the United Kingdom, that itwill be borne in mind that England pays in a proportion of fifteen-seventeenths to two, and therefore will benefit precisely in that ratio, by the saving that is made. As to the irregularities in the collecting the revenues in Ireland, the house has lately had so marked a specimen, attended with such a serious loss to the country, about a million and a half, that it is unnecessary for me to dwell one moment upon that point. The gross receipt of the revenue in Ireland, 5th Jan. 1808, is 5,554,669*l.*; on this the charge of management was no less than 528,663*l.*, which is at the rate of 9*l.* 10*s.* per cent. If this were reduced to the rate, (excessive as it is), at which the Revenue of Great Britain is at present collected, namely, 4*l.* 12*s.* 9*d.* per cent. the annual saving would be 284,519*l.* but in the present year, the charge of management has been increased to 11*l.* 12*s.* 6*d.* per cent. an annual saving therefore of 388,367*l.* might be obtained, if that charge was only reduced to the rate of that at present existing in Great Britain, and that this might be effected, I am perfectly convinced. The charges on the management of the post-office in Ireland, was a strong feature of the extensive reforms that might be established; the charge per cent. on the gross post-office revenue in Ireland, for management, was 46*l.* per cent. when that of Scotland was about 12*l.* cent., and why was this? to give patronage, for no other possible reason. Put it on the same footing as that of Scotland, and the saving will be enormous, and I should be glad to hear a reason offered, why that ought not to be done! Another expenditure of minor consideration, connected with that department, though paid in England, is that of a constant express between the two countries, which has been kept up, ever since the rebellion in Ireland, at an expence of 7000*l.* a year; now though this express when established might certainly have been necessary, still I believe the chief benefit now arising from this expenditure of 7000*l.* a year, is the advantage the lord lieutenant derives, by having his newspapers, a few hours earlier than he would have them by the mail: on what authority this establishment exists, I know not, but this I know, that it has already cost the country 63,000*l.* and ought to be abolished. Having detained the house very long, I shall not trespass further upon their time, by entering more particularly into the savings that may be made in Ireland, but proceed to speak of the commissioners and auditors of public accounts. Now, Sir, though I am ready to admit, that auditors of public accounts, may not only be useful, but necessary, still, I do not feel disposed to say as much of the different bodies of commissioners, that have from time to time been appointed—To do what? to rectify the abuses that have arisen, from the

neglect of the representatives of the people. I maintain, Sir, that abuses so originating, ought to have been met by the authors of them, and that instead of taxing the people, to the amount of 70,000*l.* per annum, in salaries to commissioners, the business ought to have been encountered by committees of the house; such, Sir, would, I am persuaded, be the sentiments of a House of Commons, such as I have described; and in one opinion, I think this house must agree with me, that there is no prospect of the accounts ever being settled, through the medium of the present plan of commissioners. I believe very little, if any progress has been made, towards this most desirable end. With regard to the annual accounts, I take this opportunity of saying, that they ought to be made out as soon after the expiration of the year as possible, under distinct heads, and in that clear form, as would enable the guardians of the public purse to do their duty to the people, by closely examining the different branches of the national expenditure. The present is a mere system of estimate. Under the head of Commissioners I take a saving of 70,000*l.* per annum; as I feel persuaded that committees of this house ought to undertake this task, however arduous it may be; and not resort, as I before said, to taxing the people for the sins of their representatives.

The next thing I have to observe is, that by the report of the Committee of Finance, the average balances of public money in the Bank (allowing for the arrangement with the American States) is about 10,500,000*l.*; and that report proceeds thus: "Your committee are inclined to consider a sum, equal to 5 per cent. interest, on the average balances in question, to be not far from the amount of the profits arising from this source." The annual interest therefore, Sir, is between 5 and 600,000*l.* The debtor and creditor account between the people and the bank stands thus:

The Bank Dr.	
For interest of balances (say only) - - -	£500,000
Paid to them for management of the national debt, year ending 5th Jan. 1809 - - - - -	210,000
	£710,000

The Bank Cr.	
By 3 millions in 1806, at 3 per cent. instead of 5 per cent. during the war - - - - - - -	60,000
By 3 millions in 1808, without interest, during the war - - - - -	150,000
£11,686,000 old capital, 3 per cent. instead of 5 per cent. - - - -	233,720
£4,750,000 in advance on malt-tax, at 4 per cent. instead of 5 per cent. -	27,500
	£471,220

This gives a balance against the Bank of 238,780*l.* a year. Now, Sir, instead of claiming the whole of this on the part of the public, to which, in my opinion, there is a perfect title, I am willing to adopt the line taken on the 10th February 1808, by a right hon. gent. near me (Mr. Tierney); thus he argued the case: "With respect to the rate of allowance charged by the Bank in regard to the management of the national debt, in his opinion, the Bank ought to do that business without any allowance whatever; for he contended that they then would be on a footing with every private banker." Now, for the reason given by the right hon. gent., as well as upon the ground I have taken, I do assert, that the sum of 210,549*l.* charged by the Bank for the year ending 5th Jan. 1809, ought to have been saved to the people.

An hon. gent. (Mr. H. Martin) having so very ably, and so very recently, gone at great length into the subject of pensions, sinecure places, &c. I shall only have to make one or two remarks on this head. Under the terms objectional or questionable, he shews an amount of 822,296*l.* Now surely, Sir, my claiming credit for a saving of 200,000*l.* a year out of this sum cannot be deemed unreasonable. In my mind a much greater saving ought to be made here. But I wish to make one observation with regard to the doctrine, that pensions and sinecure places are to be held as sacred as freeholds, let them have been obtained how they may, or let the amount of the income arising from them have increased to ever so enormous an extent, by change of circumstances in the state. This doctrine, Sir, ought not to be tolerated. It cannot be substantiated; and that it is perfectly novel I am prepared to

shew. In the year 1744, it appears that the tellership of the exchequer (amongst other offices) was revised, and the salary reduced, in consideration of the great increase in the amount of the army services and the fees thereupon. The reduction made was one third part of the amount of the salary! but now we are told, Sir, now when the army expenditure exceeds all bounds, when it amounts to above 17,000,000*l.* a year, that these places are all freeholds! Why freeholds, in the year 1809, when they were not so in 1744? Is it the greater purity of the present times, when compared with the year 1744, that has given colour to such doctrine as this? doctrine, Sir, that never would be held in such a house of commons as I have described.

Under the head of Bounties I find an expenditure amounting to 527,070*l.* a year. Now, upon this subject I shall not give any opinion of my own; but knowing that these bounties are deemed quite inconsistent with the established principles of political economy, both by Adam Smith and other authors who have written most ably upon these subjects, I do certainly think it well worthy the consideration of parliament how far the public money should be so expended; and fully aware of several items in this account that appear to me most extraordinary, such as bounties to the fishermen of London and Westminster, who, I am persuaded, have sufficient bounties from the high price of fish; and bounties upon linen in Ireland, with other detail not necessary for me now to enter upon, I have little doubt, that I should be able to shew, independent of the general question whether or not any bounties ought to be given, that a saving of 150,000*l.* a year might be properly made.

And next, Sir, I have to say a word or two as to some expenditure that I should hold to be, at this period, highly improper. I see, by the accounts on the table, that nearly 200,000*l.* has already been expended in the building a new Mint, which I understand is still likely to cost a considerable sum more. Now, Sir, the impropriety of buildindg any mint at all cannot be more strongly marked, than from the circumstance of its being within our power to issue coin by contract, not only without expence, but at a profit to the country. This was the case in the late contract with Messrs. Bolton's on the issue of 1200 tons of copper coin. And when the fact has thus been proved, I would ask, why is the system to given up? Why, Sir, the reason is obvious. In order to create extensive patronage, it is necessary that we should have a new mint; and if we save the money of the people by the system of contract, we shall have no excuse whatever for our new mint. But when it is completed, these great objects will certainly be attained; extensive patronage, a great establishment, and no coin! But ministers, perhaps, are prepared to take off the Bank restrictions, and once more to allow us the sight of gold! But upon a general principle, I maintain that government should not have any establishment for carrying on mechanical trades. We are going to other and great expences in unnecessary buildings, such as the house in Downing street for the President of the Board of Controul, which has cost about 9,000*l.*; and amongst various other improper waste of the public treasure, I observe 3,500*l.* expended in repairs of an office of accounts in the Adelphi. I have thought it my duty to show that such things were; but do not mean to take credit in my proposed savings, for any of the sums so expended.

To our Colonies I next shall advert. I find, Sir, that in the army extraordinaries alone, that above 1,500,000*l.* is charged to this account. Under proper management, I believe that our colonies, instead of being a burthen, would prove no inconsiderable treasure to the mother country; but, as this subject is to be brought before the house, I find, early in the next session, I shall make only a few observations at this time. That our North American possessions would almost do more than counterbalance our issue of 1,500,000*l.* there can be no doubt, provided the wonderful resources of that country were properly brought into action. The advantage, particularly in these times, of abundant supplies of hemp, timber, &c. from thence, cannot easily be calculated; and nothing can prevent our having abundant supplies but our own bad management. There is one point I cannot refrain from touching upon, that is our fisheries. When the trifling returns, even of that at Newfoundland, is before us, it would scarcely be credited to what an extent another fishery, in those seas, was carried many years ago, by the French. I mean that of Cape Breton, the extent of which is not much more than one-sixth of that of Newfoundland. In the year 1745, when Cape Bre-

ton was taken by sir W. Pepperill, it appears that France employed 28,000 men in the fishery, and gained a million of money a year by it. It is clear, then, what our loss must be from bad and negligent management; but patronage seems the great object we have in view; as an example of which, let us look at the expence of the civil establishment in Sierra Leone, amounting to no less than 16,000*l.* a year; and as to the expence of the military establishment, that certainly keeps pace with it; for in one item, that of building and repairing forts, you have no less a sum than 23,000*l.* If we go into the accounts of Gibraltar, Ceylon, Canada, the Prince of Wales's Island, New South Wales, &c. &c. we shall find nothing wanting in patronage or profligate expenditure. I therefore claim at least 500,000*l.* a year, as the saving that ought to be made immediately.

I have yet to make an observation or two respecting the military establishment in Ireland; and I beg once more to observe, that England subscribes to all this expenditure in the ratio of fifteen seventeenths, according to the act of union between the two countries.

In the last four years of the American war, the average expenditure, to the 25th March, 1783, was 449,266*l.*: the average of the four years, to March 25, 1799, 2,659,664*l.*: expenditure of the year ending 5th Jan. 1809, is 4,226,421*l.* It appears, then, since the year 1799, the army expenditure has been nearly doubled. And why, I would ask, has this been the case? Merely because we prefer keeping in check, by coersion, a gallant people, who pant for nothing more than the enjoyment of those rights and liberties that are secured to us, and which, when granted, would so endear them to the United Kingdom, as to render it at once strong and invincible. I would further ask, whether such a house of commons as that I have described, putting right and justice out of the question, would think it good policy to expend at least two millions in attempting to effect that, which conciliation alone can establish on a safe and permanent ground. I cannot quit the subject of Ireland without observing, that the total Irish expenditure in the year ending 25th March, 1793, was 1,735,267*l.*: in the year ending 5th Jan. 1809, it was 9,563,727*l.*

The debt of Ireland, 25th March, 1793, - - -	£.2,422,890
The debt of Ireland, 5th Jan. 1802, - - - -	76,110,856
The loan for this year, -	4,000,000
The present debt of Ireland,	80,110,856

And having stated this, Sir, I will ask whether something ought not to be done to ward off ruin from that country?

I believe, Sir, I have already shewn sufficient ground to justify the opinion I gave, that if the people were represented in the manner I have described, that the amount of the income tax might be saved. But, Sir, there yet remains for me to call the attention of the house to one other establishment, I mean that of the Navy. And here, Sir, under the high authorities I speak, it would be arrogance in me to offer any opinion of my own. A gallant admiral (Markham) in his place in this house, on the 1st March, 1805, said, "He could state, and the reports on the table would bear out his statement, that one third of the naval expences of the country would be saved by an honest and upright discharge of the duties of the offices employed in their administration." The victualling office, and the sick and wounded office, he had no hesitation in stating to be the most corrupt of all.

So much for the naval expenditure in 1805. I now, Sir, must call the attention of the house to another statement made in this house upon the subject, no longer ago than last February, when the hon. gent. opposite to me, the secretary of the admiralty (Mr. Wellesley Pole), in speaking of the victualling department, where the expenditure amounts to 5,513,901*l.* declared "the system carried on to be most vicious and faulty; and that, in order to abolish it, those at the head must be removed." In addition to these statements, which it is not with me, or indeed with any one to doubt, I have only to say, that if confirmation had been wanting, the result of the inquiries I have made affords that confirmation. I find, Sir, and can shew, that in the purchase of timber there is a great loss to the country. I find, too, that the inspector of canvas is concerned in the supplying the canvas, and that consequently what is delivered is of an infamously bad quality. I find too, Sir, that instead of the different contracts being open to competition at the expiration of the year and half, that they are kept shut for years; and thus, for the sake of patronage, the public suffer most heavily. The hon. gentleman opposite (Mr. Wellesley Pole)

seems to deny the fact. I will ask him, then, whether Mr. Pinkerton's contract for the West Indies has not been shut for four or five years. Whether Mr. Grant has not had a like advantage in the Yarmouth contract; and I would ask him further, whether a person at Deptford has not been allowed to amass a considerable fortune by the article of grains alone, at the public brewery there; that contract has indeed at last been opened, and the price per quarter immediately advanced from 1*s.* 10*d.* to 2*s.* 10*d.* and I fancy it will bear no inconsiderable further advance, as I understand the fortune in question was made by retailing them out immediately at 4*s.* 6*d.* per quarter.

In the Transport Department I shall have no difficulty in shewing great waste of the public money, and no where do we suffer more, I believe, from favouritism. With these facts before me, and under the high authorities that I have quoted, it is not, I am sure, with me to doubt that the saving stated may be made. I have only, Sir, to observe, that in the year 1804, to which the gallant admiral's remarks attached, the expenditure was 11,759,350*l.* and that at this period, when we have the sentiments of the hon. Secretary of the Admiralty on the subject, the expenditure is 17,467,892*l.* an increase of 5,700,000*l.* I am sorry, Sir, to have detained the house so long; but what I owed to my country and my own character rendered it necessary. I feel much obliged by the patience with which I have been heard upon which I shall only trespass a few minutes longer.

I think, Sir, that the national accounts ought to be reduced into such form and order as would enable every member of the house to see whether or not the money of his constituents was properly and economically expended; and this, Sir, is an object I have much at heart, for I do feel most fully persuaded, that an enormous sum is annually lost to the country in consequence of the utter confusion in which the accounts have remained for years, a confusion that never prevailed more than at this moment. Admit, Sir, that only 20,000,000*l.* annually remains unaccounted for, and I am sure I am much within compass, when I say that at a very moderate computation we must lose, in consequence of this confusion and non-settlement of the accounts, at least one twentieth part; does any gentlemen who hears me doubt that the public lose at least a million a year for the want of such a settlement; if any one does doubt the fact, let me refer him to his own private concerns, and let me ask whether he believes any individual who neglects year after year to look into the accounts of the expenditure of his property, and to strike a balance with his different agents, escapes with the loss of only a twentieth part? I am sure he would be infinitely a greater loser under such a system, and I am also sure that we do not escape with a loss of a million under that system so decidedly ruinous either to the individual or public body. Upon this subject I shall beg to read the statement and remarks of the late Chancellor of the Exchequer (lord Henry Petty.) In the year 1806, the noble lord stated to the house, that the enormous sum of four hundred and fifty-five millions of public money was unaccounted for. He then goes on to observe, "That it was unnecessary for him to urge how much the public necessities called for the most serious attention and investigation; that he need not state what were the evils which led to these inquiries, or what were the dangers of leaving accounts open for twenty years when the death of the parties may prevent the recovery of the public money, or grossest frauds destroy the revenue of the country, great as it is, and divert it to purposes of individual profit."

Recapitulation of saving on

Household troops, two regiments	£. 73,317	0	0
Dragoon guards, dragoons, and light ditto	340,000	0	0
Foreign corps	1,005,017	0	0
Subsidy annually paid Count Meuron for continuing his regiment in his majesty's service	3,000	0	0
Militia of the united kingdom	300,000	0	0
Staff of fifteen small militia corps reduced	10,000	0	0
Local militia	700,000	0	0
Volunteers of the united kingdom	1,000,000	0	0
Royal waggon train	48,993	0	0
Manx fencibles	24,184	0	0
Staff of the army	200,000	0	0
Recruiting staff, levies and bounties	200,000	0	0
Army agency	51,075	0	0
War office	24,000	0	0
Pay office	24,000	0	0

Contract horses - - -	299,083	0	0
Fortifications and repairs at home - - - -	500,000	0	0
Medical department and annual loss of men -	200,000	0	0
Commissariat - - -	500,000	0	0
Barracks - - - -	350,000	0	0
Army clothing - - -	270,000	0	0
On the collection of the revenue in Great Britain - - - - -	1,051,930	0	0
On ditto ditto in Ireland - - -	388,367	0	0
Commissioners and auditors of public accounts - - - - -	70,000	0	0
Bank, the sum charged for the management of the national debt -	210,594	0	0
Pensions and offices executed by deputy - -	200,000	0	0
Bounties - - - - -	150,000	0	0
Colonies - - - - -	500,000	0	0
Catholic emancipation -	2,000,000	0	0
	10,693,663	0	0
Expenditure of the navy for the year ending January 5, 1809, 17,467,892*l.* one-third of which is - - -	5,822,530	13	4
Total Savings -	16,516,193	13	4

Having once more, Sir, thanked the house for the indulgence I have experienced, I shall proceed to move for such papers as, if granted, will enable me to go further into detail early in the next session. I move, Sir, That there be laid before this House.

1. "An Account of the particulars of the total annual expence incurred by the Royal Staff Corps for 3 years, up to the 5th of Jan. 1809; distinguishing the numbers employed at home and abroad, and where employed.

2. "An Account of the particulars of all Expences incurred by the Local Militia up to the present time.

3. "An Account of the particulars of the Expences incurred by the Royal Waggon Train in the 3 years ending 5th Jan. 1809.

4. "An Account of the particulars of the Expences incurred by the Regiment of the Manx Fencibles from its establishment to the present time: together with a Statement shewing the Services which it has performed.

5. "An Account of the particulars of the sum of 97,248*l.* 2*s.* 1*d.* paid by the Paymaster General in the year 1808 for Public Offices.

6. "An Account of the particulars of the sum of 285,685*l.* 13*s.* 3*d.* paid by the Paymaster-General for barracks in the year 1808 in Great Britain, and of the sum of 381,304*l.* 13*s.* 8¾*d.* paid in the same period in Ireland.

7. "An Account of the particulars of the sum of 131,818*l.* 19*s.* 2*d.* paid by the Paymaster General in Great Britain in the year 1808 for Staff and Garrison, and of the sum of 70,335*l.* paid in the same period in Ireland.

8. "An Account of the particulars of the Expence incurred by recruiting the Army from the commencement of the present war to the 5th of Jan. 1809.

9. "An Account of the particulars of the Expence incurred for Clothing the Army in the 3 years ending 5th Jan. 1809.

10. "An Account of the particulars of the sum of 5,108,900*l.* paid by the Office of Ordnance in 1808, for services at home and abroad, so far as the same can be made up.

11. "An Account of the particulars of the Expence incurred since the commencement of the present war, in building, repairing, and making Fortifications, Martello Towers, the Military Canal, and the purchase of lands connected with the aforesaid matters, throughout the United Kingdom, to 5th Jan. 1809.

12. "An Account of the particulars of the Expence incurred in building a new Mint, and providing Machinery for the same; together with an Estimate of the sum wanting to complete it.

13. "An Account of the Establishment of His Majesty's Mint, shewing the amount of the salaries and perquisites paid and belonging to each officer.

14. "An Account of the particulars of the amount of Monies paid for Naval Services in the year ending 5th Jan. 1809, excepting so much as was paid for wages to officers and seamen, and to persons employed in his majesty's Dock Yards.

15. "An Account of the particulars of the Expence incurred in the present session for Printing and Stationary for both houses of parliament.

16. "An Account of the Expence incurred by the Military College, from its first institution to the 5th Jan. 1809.

17. "An Account of the particulars of

the Expence incurred in the year ending 5th Jan. 1809, for confining, maintaining, and employing Convicts at home.

18. "An Account of the sums paid to American Loyalists since the year 1783, and of the expence incurred in investigating their claims.

19. "An Account of the establishment of the Commissariat Department of the United Kingdom; shewing the salaries paid to the several persons belonging to it, and particulars of the rents paid, and to whom, for houses, offices, and stores belonging to the department, and also shewing every expenditure thereof, in the 3 years ending 5th Jan. 1809.

20. "An Account of the particulars of the payment of 418,230*l.* 7*s.* 10½*d.* in the year ending 5th Jan. 1809, out of the Vote of Credit for Ireland for that year.

21. "An Account of all sums advanced under any head out of the Public Fund to the support of the British colonies.

22. "An Account of the expences incurred by the corps of Royal Artillery, Gunners and Drivers, for three years, ending 5th Jan. 1809; also an Account of the numbers of that corps that have been on Foreign Service during those years; and also an Account of all sums of money paid for the purchase, hire, and keep of contract horses by the Board of Ordnance during that period.

24. "An Account of all Monies paid as Remunerations to Commissioners, whether appointed by the crown or parliament, for all enquiries into Public Expenditure, from the year 1780 to the present time; distinguishing each Commission."

On the question being put, upon the first motion:

Mr. *Huskisson* rose and said; Mr. Speaker; With whatever feelings of surprize and regret I may have witnessed the conduct of the hon. gent., on the occasion of his first broaching, in another place, the subject which he has now at last brought under the consideration of the house, those feelings have by no means been awakened, either by the explanation which the hon. gent. has just given of the motives by which he has been actuated, or by the statement which he has submitted to the house in support of his proposition. If, in the first instance, I observed, with astonishment, a member of this house, one of the guardians of the public purse, and one too who professes to watch over the public expenditure with more than an ordinary degree of jealousy and anxiety, seeking an opportunity, not during the recess of parliament, but in the middle of a session, not in this house, but at a public meeting, stating that he could point out a plan by which eleven millions a year might be saved to the country; that astonishment was, if possible, increased, when I saw the hon. gent. attending, day after day, in his place here without giving the house any intimation of the means by which this most desirable object might be effected. The hon. gent. could not be ignorant, that, on the one hand, such a declaration was calculated to make a strong impression out of doors; that from the character of the meeting at which it was made, it would be disseminated through the public with a mischievous activity; and on the other, that it was only in this house that the plan could be discussed with a view to any beneficial result, or that any practical measure could be taken for attaining its professed object; and yet, Sir, the hon. gent. has just informed us, that it was not his intention to have brought forward any part of this notable scheme in the present session. In a tone, almost of anger and complaint, he tells you that he has been goaded and challenged by the frequent calls made upon him here; that yielding to such importunity, and not to any sense of his public duty, he, on this last day of the session, condescends to point out the means of relieving the public from the pressure of the Property Tax. What, Sir, is the light in which the hon. gent. places his own conduct by his statement of this evening? Two months ago he had ascertained, to the entire satisfaction, I presume, of his own mind, that a tax producing upwards of eleven millions a year could be taken off without any detriment to the public service; he had, at that time, so completely matured the measures of reform by which this saving could be effected, as publicly to record his opinion: and to-night he tells you that it never was his intention, in this session to follow up that opinion by any proposition in this house! In the view of the hon. gent., then, the saving of eleven millions is a matter of such little moment, that the means of enacting it being delivered by him in his middle of one session, it consists with his sense of public duty, to postpone the application of those means till the next. But it also consists with this same sense of duty, in the mind of the hon. gent., to send forth the assertion to the public, under such circumstances, and cou-

pled such sentiments, as appeared to the meeting, where it was first uttered, best calculated to create an impression, that the blame of the continuance of this tax is solely to be ascribed to the corruption of this house. The blame, if blame there be, of not having investigated the hon. gent.'s plan of economy in this session must fall entirely upon himself. The mischief likewise, if mischief ensue, from his indiscreet assertions, must be laid entirely at his door. The delusion and the disappointment are equally of his own creating. That the hon. gent.'s plan will end in the disappointment of those who gave credit to his assertions, must, I think, be obvious to every member of this house, who has listened to the details brought forward by the hon. gent. I shall not attempt to follow him through all these details. If, indeed, they had been supported by any thing like reasoning or proof, I might have found it necessary to trespass upon the indulgence of the house, with such statements as the arguments of the hon. gent. might have appeared to me to require? but when the hon. gent. brings forward nothing but a string of bare assertions, it would be a waste of time to meet them in detail by other assertions of an opposite nature. Indeed, sir, from the manner in which the hon. gent. treats this subject, I am at a loss to understand why he should confine his savings to eleven millions. With the same facility, and by the same process, he might produce a saving of twenty; and certainly there are other reformers, out of doors, with a degree of self-confidence, equal to that of the hon. gent., who do not scruple to tell the public that twenty millions might be saved without any detriment to the public service. Their assertions, I make no doubt, are made with the same sincerity, proclaimed with the same patriotic views, and calculated to produce the same beneficial purposes as those of the hon. gent. He, however, is only bound by the minor pledge; but having been the first to start, his anxiety to redeem that pledge, may, perhaps, have been quickened, this evening, by the bolder strides of those who have since followed him in this mighty career.

The first idea of this saving appears to have suggested itself to the hon. gent.'s mind in consequence of a discovery he made in the annual accounts, that the total expenditure of Great Britain, in the year ending the 5th of January, 1808, was seventy-one millions, and that in the year ending the 5th of January, 1809, it was seventy-nine millions. The hon. gent. finds an increase of charge to the amount of eight millions, and the necessary and natural inference is, that a saving of eleven may be made. Having come to this irresistible conclusion, the hon. gent. hastens to publish his discovery at the Crown and Anchor, and has since laboured to make up an account, shewing the means by which this saving may be effected. Before I proceed to say a few words on those means, I will endeavour to state very shortly to the house the principal causes of the increased expence in the year 1809, compared with the preceding year. This part of the case might have embarrassed the hon. gent.'s calculation, and he therefore very discreetly appears to have excluded it altogether from his account. In the first place there is the augmentation to the charge of the public debt, occasioned by the loan of the year, amounting to about 800,000*l.* In the navy an increased expense of 1,500,000*l.* owing principally to the increased price of naval stores. In the army, an increase to the same amount owing to the augmentation of our regular force, and to our having had a great proportion of that force employed in active operations in Spain and Portugal. There is also 1,500,000*l.* in arrear of debt due by the public to the East India Company, for services performed by them in former years; and about 3,000,000*l.* of pecuniary aid to our allies, of which 1,200,000*l.* was sent to the king of Sweden, under the sanction of Parliament, and the remainder to aid the patriotic efforts of the Spaniards, with the concurrence and approbation of every man in the kingdom. I must leave to the house and to the public to judge, whether any of those branches of expenditure could have been abridged, consistent with justice or sound policy; and will now proceed to the plan of the hon. gent.

His first proposal was to disband the two regiments of Life Guards. They are represented by the hon. gent. to be totally unnecessary; but I think when the house considers not only that these corps are connected with the splendour of the throne, and are called upon to attend upon the sovereign whenever he visits any public place in the metropolis, but that their services are required on all occasions of public ceremony, and are essential for the preservation of public tranquillity and good order, they will not be disposed to allow the hon. gent. to take credit for this pro-

posed saving. Indeed it must be obvious that if these two corps were reduced, other corps of cavalry, at least to the same extent, would be requisite for the service and police of London, and the utmost saving, therefore, that could be effected by the sacrifice of the other considerations to which I have referred, would be, the paltry difference between the pay of the life guards and that of cavalry of the line. The next saving is of a more extensive and sweeping nature. The hon. gent. proposes to reduce the cavalry at once to fifteen thousand men. Unquestionably, sir, if fifteen thousand men be a sufficient body of cavalry for this country to maintain, all above that number should be reduced; but the hon. gent. assumes the fact; and, if we are prepared, upon the mere *ipse dixit* of that hon. gent., to disband nearly one-half of our cavalry, the saving must follow as a matter of course. This is no wonderful discovery. But is the house prepared to act upon the bare assertion of the hon. gent., and to allow his authority upon this great military question, unsupported by any statement or argument whatever, unaccompanied with any comparative view of the proportion which the cavalry of an army like ours ought to bear to its infantry, to outweigh the opinions of all the great military characters who have been constituted upon this subject, and the judgment of the house itself? Indeed, sir, the time which the hon. gent. has chosen for proposing this reduction is somewhat singular. It is precisely at a moment when a considerable proportion of our cavalry is distinguishing itself upon foreign service, when we are called upon, from all quarters, to send a much larger corps to co-operate with our allies, and when our decisive superiority in this description of force has recently been so strongly marked and acknowledged by our own generals, and felt by our enemies. This is the period of the war which the hon. gent. selects in order to bring forward a proposal to get rid of nearly one-half of the cavalry.

To the Foreign Corps, his next head of retrenchment, he shews still less of his indulgence. They must be swept away altogether. He has talked of them as a description of men not to be tolerated, whose existence as a military corps is a disgrace to the country, and whose conduct on service has shewn them to be destitute both of fidelity and courage. In this general description I can by no means concur; such charges appear to me as contrary to recorded facts as they are cruel and illiberal towards that meritorious class of men, who, from feelings of loyalty and fidelity above all praise, have been the victims, for these last sixteen years, of that dreadful revolution which began by their ruin, and has now nearly effected the ruin of the civilized world. That some trifling instances of misconduct may have occurred in the emigrant corps, as they do in all other corps; that some of them were recruited by methods which I never did approve of, are facts which I am not prepared to deny; but those instances have been artfully and grossly exaggerated, whilst their deeds of gallantry and heroism are kept out of sight. I will not detain the house by recalling them at present; but if the hon. gent. is at a loss for one instance, let him look at the siege of Ypres by the French in the last war, when an emigrant regiment sallied forth with a spirit never excelled, to cut its way through the besieging army, an attempt which excited the admiration and surprize of the British and Austrian commanders, when the few, who had survived the desperate enterprize, joined the allied forces. But, Sir, what is the description of foreign corps which we now possess, and which the hon. gent. is so anxious to dismiss ignominously from our service? They consist of men, born subjects of and owing allegiance to the same sovereign with ourselves—of men who, when driven from Hanover by the unprovoked aggression of the enemy, sought an asylum in this country. What course on that occasion would the hon. gent. have taken? Would he have repelled them from our shores?—Would he have advised his and their sovereign to have shut his ports, and refused his protection to men who had such strong claims to that protection? Would he have driven them, in despair, into the ranks of the enemy, or would he now send them back to Hanover, in order that a conscription may force them into those ranks? Had such been our policy, the chance of war might perhaps have brought them into this country as prisoners; and instead of paying them to fight our battles, we might now have had to maintain them, at nearly the same expence, mixed in our prisons with the inveterate enemies of this country. Is this the only footing upon which the honourable gentleman would have been willing to have given them an asylum?—To the loose general charge the

hon. gent. has thrown out against them of misconduct in the field, I can only oppose the authority of the British generals, under whom they served in Zealand and on the Peninsula, and, I trust, their favourable testimony will have as much weight with the house as the unsupported assertion of the hon. gentleman. After all, the house must recollect, that if we disband and send home these 20,000 foreigners, this diminution in our army must be made up by an equal number of Englishmen, to be raised at a much greater, and maintained at an equal expence; so that this discovery of the hon. gent. would effect no saving, unless he could also persuade the house and the country, that our regular force, which it has been the uniform endeavours of the house to augment, could undergo a reduction of 20,000 men without any inconvenience.

On the subject of the Local Militia I shall not detain the house by any detail. The hon. gent. has called it the most profligate of all establishments; I shall only say that it is an establishment called for by the voice of the country, and by the sense of this house; that it is the description of force which, from its nature and composition, seems of all others, the least calculated to increase patronage, and to afford scope for profligate establishments; that the hon. gent., with his view of the subject, should have opposed the measure itself, when it was under the consideration of parliament, a course which I do not recollect him to have taken. But when parliament has directed this force to be provided, the executive government would be grossly remiss if it neglected to carry the law into execution; and I am sure that it would be impossible to raise, embody, and officer, so large a force, without incurring the full amount of expence granted by parliament for this purpose. So long, therefore, as this force is maintained upon its present footing, the hon. gent. cannot expect any saving to be effected.

I shall not follow the hon. gent. through the details of all the other savings which he has proposed, because the house must have perceived that they all rest upon the same foundation—the mere assertions of the hon. gent., that such and such establishments are useless, that such and such reductions may be effected. To such assertions so supported, or rather so totally unsupported, it is unnecessary for me to oppose any thing more than counter assertions; though I cannot help observing that all the services to which he has objected are annually brought under the consideration of parliament; that provision is annually made for their support by the votes of this house: and that it is too much for the hon. gent. to expect that a mere declaration from him that such services are useless should be all the proof that parliament would require on the subject. In no instance does the hon. gent. condescend to explain either the principles of his retrenchment, or to give us any calculation by which he has ascertained the precise sum to be saved. Thus, in adverting to fortifications, he tells us that they are altogether unnecessary—that their present expence is 700,000 *l.* per annum, but that 200,000 *l.* would be sufficient. Can any thing be more loose in reasoning—more unsatisfactory in its result? Why not take credit for the whole 700,000 *l.*? As all fortification is useless, on what *data* is it that the hon. gent. finds that 200,000 *l.* per annum is the precise sum which ought to be appropriated to this unnecessary purpose? Is not this trifling with the time and good sense of the house? How far a system of fortification ought to form a part of the defence of this kingdom, is one of the questions upon which military men and this house have been most divided in opinion; but the hon. gent. feels no difficulty in deciding upon it. In his view, all fortifications are useless; but as 500,000*l.* will answer his purpose, he is generously pleased to allow us 200,000 *l.* for the amusement of those who are of a different opinion. In the article of army clothing the hon. gent calculates upon a saving of 270,000 *l.* per annum. This is a downright fallacy. The great coats for the army, and all the clothing provided by government, whether for our own forces, or for those of our allies, are procured by public competition, and as this is the very mode by which the hon. gent. proposes to effect his saving, it is obvious that no further abatement can be looked for upon these supplies. As to the clothing which every colonel furnishes to his own regiment, government has no concern in it. The off-reckonings, out of which the regiment is clothed, are, as it is well known, an allowance of a very old standing, made to the colonel for this purpose, and which, notwithstanding the rise of every article, has not been augmented. The interference of government goes no farther than to take care that the regiment is clothed according to the regulations of the army.—

The mode and terms of purchase are left altogether to the colonel, and the difference between the price paid by him, and the off-reckonings allowed by government, constitutes the chief profit of the regiment. If, under these circumstances, the general officers of the army, who are colonels of regiments, pay for their own clothing, as the hon. gent. states, more than is allowed by government to its contractors, it proves a liberal attention on their part to the comfort of their men, and on the part of government that every possible economy is practised; for in this head of expenditure the hon. gentleman's grievance is, that government is served cheaper than the individual. In the whole statement, the hon. gent. appears to proceed on the principle that the large establishments we are obliged to maintain, for the purpose of security and defence, as this house and the country have hitherto foolishly conceived, have no such object; but that the real object of them is in order to create a large expence. This is the discovery which it was reserved for the hon. gent. to make. The hon. gent. argues as if the order of proceeding in this house was this—First, to resolve to make our expenditure as large as possible, and then to frame our establishments accordingly. Hitherto, Sir, we have been taught to believe that our establishments were regulated according to the exigencies of the country, and that the grants of this house were governed by such establishments. But this view of the subject would not suit the hon. gentleman's purpose; and, in the whole of his argument, he has assumed that our present establishments were not necessary for any other purpose than that of adding to our expence. He has argued as if we were all agreed on this point, and as if the only difference of opinion would be whether they should or should not be kept up, for the sake of keeping up that expence. It is unnecessary, therefore, till we have settled this principle, to follow him into any further detail:—there is, however, one remaining point, on which I feel it necessary to correct a misrepresentation of the hon. gentleman. He stated the establishment of the commissariat department in Ireland to amount to no less a sum than 95,000 *l.* whilst the whole expenditure was only 235,000 *l.* The hon. gent., with an air of triumph, asked of the house to consider what must be the character of such a department, in which 95,000*l.* was necessary in an establishment, in order to manage an expenditure of 235,000*l.* Now, Sir, the hon. gent. must know, that the whole expence of this department, so far as relates to what is generally described under the head of Establishment, such as salaries, allowances, office rent, coals and candles, &c. does not exceed 20,000*l.*; and that in the estimate from which he has taken his statement is included a corps of waggoners, amounting to 1050 horses, with their drivers, &c. necessary in Ireland for the delivery of the supplies to the troops both in quarters and in camp, the contractors there not undertaking for the deliveries, as is the case in this country. In this respect, therefore, the statement of the hon. gent. was calculated to convey an unfounded impression, and a false charge, which I have thought it necessary to set right.

Although I have now trespassed on the attention of the house much longer than I intended, by the observations I have thought it right to make on the hon. gentleman's statement with respect to the public expenditure, I must request their indulgence for a few remarks, which I find it necessary to make on the animadversions which he has made on the collection of the revenue. He goes first into the Post-Office, and having ascertained that in Mr. Palmer's time this service was performed at an expence of 200,000 *l.* per ann. and that it now costs 400,000 *l.* he immediately infers that abuses exist to the amount of 200,000 *l.* and that this sum might be saved to the public. Now, Sir, I will take upon myself so assert, that if this subject is inquired into, in the most minute detail, the house will be satisfied that no increase of expence has been incurred in this department which was not absolutely necessary for the public service, or conducive to the improvement and increase of this branch of the revenue. The house must be aware, that in this department as well as in others, it has been found absolutely necessary to augment the salaries of the clerks and subordinate officers, who, I am sure, are not now overpaid. Where the numbers employed are necessarily very large, as in the post-office, including all the postmasters, letter carriers, &c. in the kingdom, an augmentation, however small to each person, amounts to a very considerable sum upon the whole. Whatever other augmentation of expence has been incurred, arises either from the increased accommodation which has been afforded to the trade, and to

every part of the community, by opening new lines of communication, establishing new post-offices, by a daily delivery of letters to places where they were formerly conveyed only every other day, or twice a week, and very much by the increased establishment and expence of packets for maintaining an intercourse with distant countries, and for the encouragement of our foreign commerce. But, in making these improvements, I can assure the house, that the post-office, though at all times justly anxious to contribute to the comfort and convenience of the community, and particularly of the commercial class, does not lose sight of the interests of the revenue; and that there is scarcely one of them which does not amply compensate for the increased expence; so that the addition which has been made to the public charge in this respect, if examined merely as a revenue consideration, is money well laid out, and productive of a very large sum to the public income.

In the Customs, the hon. gent. has stated one instance of what he conceives to be a most flagrant abuse, and he called upon the house to take it as a specimen of what he conceives to be the whole system of the department. This instance is the appointment of three new surveyors general, making ten in the whole, at a time when the original number of seven ought, in the judgment of the hon. gent., to have been diminished, in consequence of the new docks; why, Sir, it is on account of these new docks that this addition became necessary, one for each of the three great establishments, West India, London, and East India docks. I will not trouble the house with details on this subject, but shall content myself with stating in the presence of members of this house, whose mercantile knowledge I am sure will enable them to confirm that statement, that so far from there being any superfluous officers in the customs, the treasury is constantly applied to by the trade of this and all the principal ports for an increase of the establishment. We have constantly representations before us, that business is retarded from the want of a sufficient number of custom-house officers. The board of customs is constantly assailed with complaints of a like nature; and it is always slowly, reluctantly, and not till they are most fully impressed with the necessity of the case, that they recommend any addition; and the treasury never makes any such additions without their recommendation. So much, Sir, for superfluous establishments in this branch of the revenue, in which I need not remind the house, that all sinecure offices, and places executed by deputy, were abolished by Mr. Pitt.

In the Stamps, however, the hon. gent. has discovered an expenditure of 130,000*l.* whilst, in his opinion, the management and collection of that revenue ought not to cost more than 30,000*l.* Nothing but the most complete ignorance on this subject can excuse such an assertion on the part of the hon. gent. The revenue of stamps amounts at present to near 5,000,000*l.* The use of them is become necessary in almost all the transactions of life; and consequently distributors are required in every part of the kingdom. In the course of last year, the treasury directed the poundage allowed to those distributors to be reduced one-fourth; but we have since been obliged to suspend the order, upon finding that persons could not be procured to take upon themselves the trouble and responsibility of the distribution at that reduced rate; and that much more would have been lost to the public by a diminished sale than would have been gained by the reduction. The house, besides, must be aware, that when titles to property are invalidated, if the proper stamps are not used, when every species of security is made to depend upon them, and when to all this, heavy penalties are superadded, to compel the use of stamps, and for the protection of the revenue, it becomes the duty of the government to place them within the reach of the consumer; and that therefore, independently of revenue considerations, we are called upon not to abridge the means of distribution. With respect to the establishment in London, so far from its being excessive or overpaid, there is no department in which the salaries in general are so low, as gentlemen will see, when I state to them, that not a month ago, upon a clerk's situation becoming vacant, the commissioners applied to the treasury to appoint a successor, stating the salary was 50*l.* per annum, and that the office required constant attendance, and every qualification that can be required from an efficient clerk, and was moreover a situation of great trust. How were the treasury to find out a fit person for such a remuneration? who would accept the appointment? All the other salaries are

nearly in the same proportion, and I have no scruple to say, that not only justice to individuals, but to the public interest, requires that they should be raised, if the public expect efficiency and fidelity in the persons employed. The hon. gent. must therefore be prepared for an augmentation of charge in this department.

With respect to the collection of the Land and Assessed Taxes, the hon. gent. is not more fortunate in his observations. The poundage allowed to the receivers has been reduced one-fourth by the present treasury; and, with respect to the balances in their hands, they are limited to 6,500*l.* for each receiver; a sum considered to be necessary to enable them to meet the demands to which they are liable for the public service, under the authority of acts of parliament; so that their profits will not be found to be more than adequate to the trouble, and especially to the responsibility of their situations as public accountants; to the risk to which they are exposed, and the immense securities they are required to give to the public. With respect to the balances in the hands of the parochial collectors, stated by the hon. gent. to amount to 380,000*l.* is he not aware that these collectors are not servants of the public, nor under any controul of the treasury, but appointed by the district commissioners? These balances are probably arrears due by the respective parishes on their several assessments. In some instance, a delay of payment is unavoidable unless the commissioners, in whom is vested the power of enforcing it, should resort to measures of extreme severity; but as government cannot interfere with the collectors, in no case can these arrears be ascribed to the negligence of office; and with respect to the commissioners, they are certainly intitled rather to our thanks for their gratuitous services and zeal, in aid of the efficient collection of the taxes, than to censure for occasional indulgence to parties, who from a temporary pressure, may be somewhat in arrear.

The hon. gent. has correctly stated, from the annual printed account, that the total charge for the collection and management of the revenue is 2,800,000*l.* but, according to what calculation he assumes that 1,000,000*l.* might be saved in this charge I am at a loss to conjecture. It is true that the hon. gent. states that the revenue might be collected at the rate of three per cent. instead of 4*l.* 12*s.* 9*d.* the present rate. Here again we have nothing but the bare assertion of the hon. gent. Just as well might we have said two per cent. or even any lower rate; in point of reason, one assertion is as good as the other; and for any purpose of impression out of doors (for I cannot believe such a mode of argument will have any weight here,) that assertion which promises the largest saving would probably best serve the hon. gent.'s views of reform. The hon. gent. has discovered, however, that in Scotland the rate of management and collection is higher than in England; and he at once concludes that the difference grows out of some abuse. In this he betrays his total ignorance of the subject. How can he suppose, that in one part of the country, poor and thinly peopled, a small revenue can be collected at the same rate as a much larger sum is in another part of the country, of a totally different description? Does the hon. gent. suppose that the revenue of a Welsh county or a Highland district, for instance, is collected at the same rate as that of Middlesex?

I cannot quit this part of the subject without observing that the hon. gent. appears altogether to forget, that this sum of 2,800,000*l.*, stated to be the charge for the management of the revenue, includes many services and expences which do not belong properly to the mere collection of the taxes. For instance, the whole establishment and expense of the post-office, which in one view ought to be considered rather as an undertaking of the first importance to the comforts and interest of every class of society, paid for by every man in proportion to the use and advantage he derives from it, and leaving a profit to the state by which it is carried on, than as a mere tax; with which, as such, we have nothing to do but to impose and levy it at the cheapest rate we can. In the customs, too, a great part of the establishment is framed, and of the expense incurred, not so much for the collection of revenue as for the enforcement of our navigation laws, and of the system of our colonial trade. This is particularly the case in all our foreign settlements, and in some degree at home. All the outgoings in this department, therefore, are not to be charged to the expense of collecting duties under its management.

In the course of his statement the hon. gent. has found himself called upon twice

to compliment the system of economy of the late ministers. A comparison of the expenditure of the army, during the year they were in office with that of the last year, afforded him the first opportunity. In making this comparison, however, the hon. gent. forgot to state, that with the increase of expense, the total number of the army had also proportionably increased, and that the amount of force employed on foreign service was much greater; so that whatever might be the merit of economy in a preceding administration, the present one is not to be blamed as wanting in this respect, unless it can be shewn that it was unwise to augment our regular army, and impolitic to employ a considerable part of it in active operations against the enemy. The other instances, however, the hon. gent. thinks conclusive. During the reign of these economical ministers, he says the charge of management and collection was only 4*l.* 8*s.* per cent. and it is now 4*l.* 12*s.* 9*d.* an increase in the charge of collection to the amount of 200,000*l.* brought on by the profusion of the present government. If the hon. gent. had been better informed on this subject, he would have been obliged to admit that this increase of charge was owing to very different causes. When the present Board of Treasury came into office, they found among other legacies left to them by their predecessors, a very detailed Report from the Board of Excise of the whole of their establishment. By this document it appeared that the salaries of the excise officers had not been raised for a great number of years, and that they were then totally inadequate to their support. The commissioners of excise represented, in the most forcible terms, the absolute necessity of increasing these salaries, as the only means of securing the revenue, by placing the officers above corruption; and, that, if the augmentation was any longer delayed, a general system of laxity, and a dependance on the parties whom they were appointed to survey, for loans of money, or assistance of some description, would be the inevitable result. With this representation, in which the commissioners who made it had no personal interest, as their salaries were not raised—with the example of Ireland, of which we have heard so much lately, before our eyes, with a revenue of 20 millions, and a system of collection, hitherto remarkable for its regularity and purity, at stake, and with such a forcible appeal from the officers themselves to the justice of the treasury, could we hesitate in acceding to the proposed augmentation of their salaries? It was granted, and though, upon an average, it did not exceed 15*l.* to each officer, the aggregate increase of charge was considerably more than 100,000*l.* a year.

Another great, but unavoidable augmentation in the charge of collection, arises from the abolition of fees in the customs. To the officers who have hitherto received their remuneration in this shape, fixed salaries are now allotted, payable out of the revenue. The apparent increase of charge arising from this alteration is very considerable, while, in point of fact, the officers receive less now than they did before; and though this is not an opportunity for going at large into the subject, I have no hesitation in stating to the house that both the revenue and the public have received great benefit and accommodation from this salutary regulation.

These two circumstances of an increase of salary to the officers of excise, and of the abolition of fees in the customs, would alone account for an augmentation of charge exceeding 200,000 *l.* per annum; and if the increase of charge upon the whole collection is not more considerable within these last two years, it is owing to reforms and retrenchments which have been made in other branches, such as the reduction of poundage in the office of taxes, and the abolition of certain offices in the customs and other branches, the continuance of which was found to be unnecessary. Two other savings which the hon. gent. has proposed, remain to be shortly noticed. The first is of a very singular description, nothing less than the abolition of the board of auditors, and all commissions for examining and stating the public accounts of the kingdom, The hon. gent. proposes that this service should be performed by Committees of this house. Extravagant as this idea must appear, I cannot give the hon. gent. credit for being the first to suggest it. I have seen it brought forward elsewhere, but as it appeared to me, not so much with a view to any practical result, as with a design, in which I am sure the hon. gent. does not partake, of calumniating this house. In the hands of others it has been used as a pretence for vilifying the members of this house, for accusing them of indifference to the public expenditure, and of neglect of duty as the trustees of the people, for not look-

ing into their accounts. Such imputations, for aught I know, may answer the purposes of those who are aiming at reform, by working upon the passions of the people, and the prejudices of the ignorant; but I am convinced that there is not one gentleman in this house, or one rational man in the country, the hon. gent. excepted, who can be of opinion that the public accounts can be effectually examined by committees of this house. The necessary duties which are already imposed upon members of parliament, both in the house and in its committees, are of themselves sufficient to occupy their time. But I do not rest my objection upon this. The examination of long, complicated, and intricate accounts, involving questions respecting the rates of exchange, the value of foreign money, and a thousand other difficult points, is, in itself, a science requiring the uninterrupted attention of the auditors, and of able accountants, and experienced clerks under them. Could we expect these qualifications and this assiduity in committees of this house?—Could committees examine parties and witnesses upon oath and carry on a most extensive correspondence with them in all quarters of the world? This examination of accounts is, of all others, the service which a fluctuating body of men would be least competent to carry on. Further—could members of this house be divested of all party-feeling, be rendered inaccessible to all canvas and solicitation? for such, Sir, ought to be, and I believe is, the character and situation of an auditor. In his functions there is much which partakes of the judicial character, and his official tenure is the same as that of the judge's. In short, I am perfectly certain, that if the examination of the public accounts was devolved to committees of this house, they would either undergo no examination at all; or, if they were looked into, it would only be such a formal examination as would afford a cover to fraud, or occasionally, perhaps, an opportunity of gross injustice to particular individuals, who might be brought before us as accountants. The hon. gent. has described the board of auditors as not discharging their duty. In this he is mistaken. The establishment of this board was greatly enlarged by the late administration, and it is whimsical enough that the hon. gent. should almost in the same breath praise them for this exertion, by which the expence was more than doubled (not improperly doubled,) and propose to abolish the establishment altogether. The fact is, that within these two years, a great many of the accounts in arrear have been audited, and that there is reason to hope that the whole arrear may be done away in a few years, by a continuance of the present establishment, subject to such modifications as experience may suggest. The other saving the hon. gent. proposes to effect is, by doing away the whole of the charge now stated in the printed accounts, under the head of Bounties, amounting to upwards of 500,000*l.* per annum. From the manner in which they were noticed by hon. gent., one would almost conceive that he is disposed to represent these bounties as largesses or gratuities arbitrarily given, instead of being, as they really are, drawbacks and encouragements to our manufactures, and some of our most essential branches of national industry. There is not a shilling paid in this way, except under the express authority of some act of parliament, or which could be withdrawn, without involving in ruin some important establishment, or some great national object.

The amount of our public taxes, and the mode of collecting them, having been brought under the consideration of the house by the speech of the hon. gent., I trust I shall be excused for taking this opportunity of stating my entire concurrence in the view taken of our situation in this respect, as stated by a right hon. gent. (Mr. Windham) in the course of the present session. I agree with him, that great as is the amount of our present taxes, it is certainly not greater, in proportion to the means of the country to bear the burden, than in any former war; whilst in every other respect our situation is infinitely more satisfactory. I am aware that the sum levied annually upon the people of this country, is now three times as great as it was in the year 1793; and though this weight of taxation is severely felt by some classes, and especially by those who possess only unimprovable fixed incomes, a circumstance greatly to be regretted, I maintain that, upon the whole, the present generation of the people of England, considered as a nation, have more means of procuring to themselves the enjoyment of life than any of their predecessors; that, in point of fact, we witness daily, in every part of the country, a greater degree of luxury, and a greater share of comfort than at any former period; and that there is no corner of the

kingdom in which, so far from there existing any symptoms of deterioration or decay, we have not seen, within these last twenty years, the most certain indications of improvement; an improvement, however retarded by continued war and increasing burthens, still progressive, and adding every year, more or less, to the stock of national wealth and public prosperity. The actual sum levied upon the people of this country, in proportion to the population, is, I admit, greater than any other country of Europe; but, notwithstanding this circumstance, I am fully convinced that there is no great nation on the continent in which the taxes are so lightly felt, and collected with so little of oppression and vexation as in this country. This observation is drawn from me, not by any thing that has been said by the hon. gent., but it is certainly not altogether foreign to the subject, and will not, I trust, be deemed misplaced by the house; as I perceive, that out of doors, persons professing to be the zealous co-operations of the hon. gent. in schemes of parliamentary reform, are using every endeavour to inculcate a belief that in France at least the taxes are few and light, and collected in the most gentle and lenient manner. Are those who would delude and deceive the people of this country by such statements, aware that in France, in addition to that most dreadful of all taxes and all oppressions, the military conscription, and to a thousand other arbitrary and vexatious exactions, personal and pecuniary, the land-tax alone frequently exceeds one-half of the rent; that in France, taxes in arrear are levied by a process little short of military execution; by the quartering of soldiers upon the party until the arrear is discharged? This is no imaginary picture; it is no other than a faithful description of what takes place under that rule of military depotism, and what would too soon be imitated, perhaps in this country, if those who were now most clamorous against our existing institutions could persuade the people of England to adopt their plans of reform, and incur the risks and dangers of a revolution.

There is only one topic more on which I will trouble the house at present. The hon. gent. has reminded us of the declaration of a gallant admiral (Markham), a member of this house, that one-third of the whole expence of the navy might be saved without prejudice to the service. That expense is now nineteen millions, and if the hon. gent., upon the strength of this assertion, has taken credit for a third of this sum, it will certainly be of main assistance to him towards effecting his proposed saving of eleven millions. The assertion, I am afraid, was made in this house. Whether it was drawn from the hon. admiral in a moment of irritation, and when he was off his guard, I cannot pretend to say; but I have no difficulty in declaring that it was a rash and inconsiderate assertion, and one which could not be realized. Since it was made, that gallant admiral has been in office: he has not only been a lord of the admiralty, but what is called the managing lord, a phrase perfectly well understood at that board. In this situation he must have been anxious, not only from every feeling of duty to his country, but from the most powerful personal motives, to make good his assertion, and to establish the truth and solidity of it, by his own practice and his own retrenchments. Further, he must have been goaded to it every day and almost every hour, by that economical administration which has this night received the praise of the hon. gent., an administration under which the gallant admiral served, and the members of which had, in a manner, made themselves parties to this pledge, not less by their boasted professions of economy, than by the cheers of approbation they gave to the original assertion. Well, Sir, what was done? Were the estimates of the navy diminished? Was the sum required for wages, for wear and tear, for victualling, less than under the hon. admiral's predecessors? In fact, was the expense lessened at all, or in any material degree? It certainly was not, and the hon. admiral must have found his mistake. It would be preposterous to pretend, that in an expenditure of nineteen millions, there exist no abuses at all; but I maintain, that when they are discovered, they are corrected; that there is no wilful waste countenanced by the heads of departments; that there is as much vigilance and as much anxiety to keep down expense in the present admiralty as there could be during the management of the hon. admiral; and that many beneficial regulations have lately been made for this purpose; but that no such saving, as was rashly stated by him to be practicable, can be effected; and that the total expence cannot be materially, if at all, diminished, as long as the war compels us to keep up our navy to its present establishment.

So far, therefore, from the hon. gent.'s statement having derived any real support from the assertion of the gallant admiral, I say that he, as I trust the house and the public will, ought to take a warning from it, to mistrust his own assertions; and that the mischievous use which has been made of the gallant admiral's statement and authority out of doors, to create discontent, ought to have been a lesson to the hon. gent. to hesitate before he came forward here, or elsewhere, with similar assertions, calculated not to alleviate any real pressure, but to add to the irritation of the public, not to improve our resources, but to increase the difficulties and hazards inseparable from a protracted war, of which no man can foresee the issue, or determine the duration.

Mr. *R. Ward* said, the assertion of the hon. gent. with respect to the canvas being bad, and supplied by the inspector, was not correct. The contractor received but 1,400*l.* per annum; out of that it could not be supposed the person could amass a fortune. If, however, the hon. gent. would come to-morrow and prove the statement he had made true, the Inspector should be turned out.

Mr. *Parnell.* Before, Sir, I make any reply to the arguments of the hon. member (Mr. Huskisson), I feel myself called upon to assert, that a charge more unfounded could not be made by one member against another, than that which he has brought forward against the hon. member behind me, for making his statement on the last day of the session. I appeal to every member in the house, whether or not the hon. member was not compelled to do so; and whether it was possible for him after the threat that was held over him from the moment at which he first expressed his opinion of the saving that might be made in the public expenditure, to permit the session to close, without coming down to the house and stating the grounds of that opinion. The hon. member has said, that the hon. mover has made a statement of mere assertion, and that he could just as easily have proved a saving of a million as a saving of 500,000*l.* whenever he had said that he could save the latter sum. This, Sir, I positively deny; the statement of the hon. member was replete with sound argument, supported by indisputable facts, and corroborated by the best authorities; nothing was advanced in it which the hon. member did not most satisfactorily sustain, and it was very evident that, when the house heard this statement, a great degree of surprise was excited, in consequence of the extent of proof which the hon. member was able to advance in support of his general opinion. In what the hon. member opposite has said, respecting the expenditure of the last year being greater than the expenditure of the preceding year by seven millions, he has altogether misrepresented the hon. member and me. He made no such absurd position, as that of saying, that because the expenditure had increased seven millions, therefore a saving might be effected of eleven. He referred to this fact merely with a view of shewing that grounds existed for forming a presumption that a considerable saving might be effected, and that whatever he advanced in the detail might be borne out. But how does the hon. member account for this increased expenditure? He says that a million and a half of it was paid to the East India Company, and to make out the remainder, he says, that we are to consider the great advance which has taken place in prices! Why, Sir, here it is that the argument of the hon. member behind me appears in its full force. Why has so great an advance in price taken place? Is it in consequence of any improvident measure of this house? I, Sir, maintain that it is—and that if this house did form a true representative body of the people, giving full effect to the abilities of the country, no such measure could have taken place as the Orders in Council, which is the immediate cause of this great advance in prices, and most particularly so on all articles for the navy, the purchase of which forms so considerable an item in the public expenditure. When, Sir, I come to consider the observations of the hon. member upon the statement which has been made to the house, I cannot avoid remarking how very superficially he has dwelt upon that part of it which relates to the Army. It is in this department where, according to common notoriety, the greatest abuses prevail; and in the general management of which, a greater want of sound principles is generally conceived to exist than in any other department; and though the hon. member behind me has made out items on which six millions, in his opinion, might be saved, the hon. member opposite has confined his observations to two of them only, the Foreign Corps and Fortifications. Is the house to conclude from this that the hon. member is unable to meet arguments and authorities advanced upon this general

head? I think, Sir, it has, in a great degree, a right to do so; it has at least a right to infer that the hon. member who has proposed this saving, has not done so on the light grounds of mere assertion, imputed to him by the hon. member.

As to the Foreign Corps, any thing that has been said on this head was founded upon the opinions of the most able military and constitutional authorities. The argument of the hon. member, that 700,000*l.* the whole estimate for Fortifications, might as well be taken off as 500,000*l.* is founded in a misconception of what was said on the subject. Five hundred thousand pounds was proposed to be taken off, on the principle that no new Fortifications should be built; a principle which the hon. member admits to be sanctioned by the highest authority, and it is intended to leave 200,000*l.* per annum to maintain those which have been constructed in repair. Under the head of Charges of Management, the hon. member has attempted to shew an error in calculation on the part of the hon. member behind me. He has denied that a diminished rate of management of 1*l.* 12*s.* 6*d.* per cent. would afford a saving of a million a year; and he seemed to rejoice extremely at the discovery which he had made. But the hon. member is himself grossly in error. He has calculated the saving upon the amount of the charges for management of 2,800,000*l.* and not upon the amount of the gross receipt of the revenue of 64,000,000*l.* on which he ought to have calculated it, and which calculation would have shewn him that the saving would exceed a million. As to what the hon. member has said of the impracticability of reducing the rate of the charges of collecting the revenue lower than it is now, I, Sir, can never accede to that doctrine; to pay near three millions a year for the business of collection, is to pay a most enormous sum, and a fact, that on the face of it proves an alteration of system to be absolutely necessary. The whole of the excise revenue is collected at little more than 2 per cent. Why, therefore, 3 per cent. should be too low a rate upon the whole revenue, it not easy to understand, unless that the other departments, being of longer standing, were more encumbered with sinecure offices, pensions and established habits of wasteful expenditure. In regard to the charge of collecting the revenue in Ireland, the hon. member had said nothing. It was proposed to reduce the rate from 11*l.* 12*s.* 6*d.* per cent. to 4*l.* 12*s.* 6*d.* the rate at which the English revenue is now collected, and this would effect a saving of 388,000*l.* No one, Sir, I believe, can deny that there exists good ground for effecting this saving. I am sure that I know of no reason arising from local circumstances, why this rate of 4*l.* 12*s.* 6*d.* should not be fully sufficient; and if proper measures were adopted, I feel quite confident that it would prove to be so. The saving which had been proposed to be made by taking away the bounties on promoting and encouraging trade and manufactures, cannot be disputed by any one who forms his opinion on the subject, upon the established principles of political economy; and the hon. member not having objected to the amount which has been set down, in consequence of some of these bounties being rather of the nature of drawbacks of duty, than direct bounties for the mere encouragement of trade, as I had in some part conceived them to be, there is good ground to infer that a saving to that amount may be effected. In speaking of the commissioners for auditing the public accounts, and inquiring into financial abuses, what the honourable member behind me said, has been wholly misunderstood. He said that he found these several boards cost the public 80,000*l.* per annum, and that the progress made by them in auditing the accounts, and detecting abuses, was very slow and inadequate to such an expenditure, and that it would be better to appoint select Committees of this house to do that business, having one board of auditors to transact the business of each current year. If I understood the hon. member correctly, he proposed this plan with a view of ascertaining, in the most expeditious manner, what part of the six or seven hundred millions, that are now unaccounted for, is *bona fide* due to the public, in order that it might be recovered, before a long lapse of time, or accidents, might intervene to deprive the public of all chance of recovering what was justly due to them. It appears as if this work of passing such an immense magnitude of accounts could never be performed under the strict rules which bind the auditors, and therefore it is better to place the business in the hands of those who will be equally well calculated to do justice to the public, and at the same time possess great advantages in transacting the business with expedition. It is strange to act

upon a system, as one of economy, which at the outset, imposed on the public a new expense of 80,000*l.* per annum. It is, in fact, a system which will counteract any good that might be derived from it; and one that is likely to end in adding considerably to the burdens of the people, instead of producing the intended effect of diminishing them. The hon. member has misunderstood what has been said in respect to Newfoundland: it was not intended to take credit for a saving of a million on this head. The hon. member, who made the statement, has taken credit for 500,000*l.* as a sum that might be saved, if the British colonies were so managed, that each should defray nearly all the expense belonging to its own defence. He stated the great value of the fisheries of Cape Breton and Newfoundland, in order to shew, that if due attention was paid to them, the inhabitants of those colonies might be enabled to defray all the expenses of them, and cease to be burthensome to this country. Now, Sir, as to the opinion which the hon. member behind me entertains respecting the military expenditure of Ireland, in this I most fully concur with him, and am desirous to bear with him equal responsibility for the accuracy of it; for I defy any one to shew that this greatly increased expenditure, from 400,000*l.* in the American war to two millions in 1799, and to near five millions in 1809, can be accounted for by any other means than by the impolitic resistance which is made to the constitutional claims of the people of Ireland. It is notorious to every one, that the object of that expenditure is in a great degree to keep the people in subjection, and that so large an army would not be wanting, if no such object existed. I have therefore a right to say, that if a wiser policy was adopted in governing Ireland, a great portion of this expenditure might be saved, and an additional security obtained for the defence of the country, against invasion, in the hearts and affections of the whole people of Ireland. The people of this country are greatly mistaken, if they conceive that this part of the public expenditure is of no concern to them. They pay of it, by the articles of the Union, no less than 15 parts out of 17; and they should be more on their guard, therefore, how they lend themselves to the designs of those who create alarms by talking of the terrors of popery. They should consider that they impose upon themselves a charge of no less than two millions a year by refusing to their Catholic fellow subjects their just and constitutional rights.

I must here, Sir, remark upon another point on which the hon. member opposite has greatly mistaken the statement of the hon. member behind me. He has argued as if he took credit for a great saving to be effected in the naval department, in order to make out a total saving of eleven millions. He has done no such thing. The savings which he has calculated upon are —in the army, 6,182,000*l.*—Management of the revenue, 1,110,000*l.*—Commissions of accounts and inquiry, 75,000*l.*—Pensions, 300,000*l.*—Colonies, 500,000*l.*—Bounties, 150,000*l.*—Allowance on management of debt, 210,000*l.*—The military expenditure of Ireland, 2,000,000*l.*—making 10,857,000*l.* The savings which might be effected in the navy departments will amply make good what this sum wants of eleven millions; and it will also cover any errors that may have been made in taking the savings in the other departments so high as 10,857,000*l.* I have felt it due, Sir, to the hon. member behind me, to make these observations in explanation and support of what he has said. The hon. member has undertaken a task of great responsibility, and one attended with great labour, with a view to promote a public object—his exertions, and the manner in which he has made out the grounds of his opinion, entitle him to the thanks of this house and of the country; and as I, Sir, think that the investigation which he has set on foot into every branch of the public expenditure will be attended with the best possible effects, I have felt it my duty to give what support it has lain in my power to give him.

Mr. *Rose* said, that as to the bounties, he could take upon himself to say, that no considerable saving could be made in this point. In fact, the greater part of the bounties were merely drawbacks; and if the plan of the hon. gent. were adopted in thus taking away these bounties, there would be at least 30,000 weavers in Spitalfields turned out of employment the first fortnight. Most of the bounties were merely drawbacks of duty on our manufactures upon exportation. There was no subject which he had considered with greater attention than this of bounties; he had gone over the subject again and again; and if it had appeared to him that any of them could have been taken off without doing an injury to the public, he certainly

should have proposed it at times, in which the administration to which he belonged were at a loss to know what new taxes to fix upon. It could certainly be no object to the government to continue unnecessary bounties.

Mr. *Lockhart* said, that instead of there being too many officers employed in the custom-house, there was a pretty general complaint among the merchants that there were too few for the great weight of business that is now going on.

Mr. *H. Thornton* took notice of the steps which had been taken by the Committee of Finance, to reform many abuses of which the hon. gent. had complained. As to the Pension List, he certainly wished it was smaller, but there were many parts of it which no man would wish to reduce. There were pensions to the amount of 355,000*l.* annually to the royal family, and about 70,000*l.* annually to the proprietors of Irish boroughs, as compensation under the act of Union. There were also pensions very properly given to many meritorious servants of the crown. It did not appear to him that out of the whole pension list there was more than 400,000*l.* per annum, on which the proposed reduction could have any operation.

Mr. *Wardle* said, that he had never intended to institute any comparison between the modes of collecting the revenue in this country and in France. As to what he had stated about the inspector of canvas, he would be ready at all events to shew, that he had strong grounds for the statement that he had made.

The several Motions were then read. Mr. Huskisson objected to some of them, as being stated in such a way as to render it impossible to comply with them, and suggested, that the best plan would be to leave it to ministers to make up the accounts according to the scope of the motions, in the best manner they could; and if the Returns were not satisfactory the hon. gent. might renew his motions next session. Mr. Wardle assented to this, and all the motions were agreed to.

HOUSE OF COMMONS.

Tuesday, June 20.

[FINANCE RESOLUTIONS.] After moving for resuming the adjourned debate on the first Resolution,

Mr. *Nicholas Vansittart* spoke to the following effect:

Mr. Speaker; I feel myself bound in the first place to acknowledge the candour and liberality of the Gentlemen opposite, by whom I have been furnished with every official assistance which could diminish the trouble of preparing the Resolutions which I am about to submit to the house, or render them more correct and perfect.

This is not only a great satisfaction to me, for many obvious reasons, but especially so, because it will spare the House the trouble of any minute investigation of the details of the Accounts, which would be not only irksome and tedious in itself, but might divert their attention from those principal points to which I wish their consideration to be directed.

Whether those Gentlemen may concur with me or not, in the inferences which I may draw from the facts I shall bring forward, no dispute can arise on the accuracy of the facts themselves.

I have, however, still greater satisfaction in believing, from intimations which have been given me, that the Chancellor of the Exchequer is disposed to concur in the whole of the Resolutions which I shall propose.

This will not only enable me to abridge the statement into which I shall be obliged to enter; but is much more important, as affording a presumption that, however the Right Honourable Gentleman may have departed in the arrangements of the present year, from those principles which I think wise and salutary in Finance; he has done so under the real or supposed pressure of some occasional circumstances, and not from any fixed or systematic difference of opinion.

At the time that in stating the Finance arrangements of the year, he disclosed his intention of charging the greatest part of the Loan on the War Taxes, I felt and intimated, that it would be impossible for me to acquiesce in such an arrangement, without remonstrance. On some occasions, when the subject might have been properly discussed, I was prevented, by private circumstances, from attending; but, I also felt, that considerable advantages would attend the mode of proceeding now adopted. If I had *opposed* the Bill for charging the War Taxes, with much more eloquence and ability than belong to me, it might have been difficult for the Right Honourable Gentleman, even if he had seen the force of my reasons, to have agreed to my conclusion. After having intimated in the Speech from the Throne, and deliberately proposed in his Budget, that no

new taxes should be brought forward for the service of the year; he might not easily have persuaded the Country to acquiesce in the imposition of taxes, which might be found burdensome; and, which his proposed measures had shewn to have been in his opinion, unnecessary and inexpedient. Nor could I overlook the objections which must occur to a great prolongation of the sitting of Parliament, which might probably have been the consequence of such a change of system. But, I hoped, that by adopting the present mode of proceeding, and entering upon a discussion not immediately connected with any practical measure, but rather in the nature of an historical review of measures already past, though recent; we should reason with cooler minds, and be much more likely to agree in a result which might at least prevent the repetition of any injurious practice, if not lead to the immediate remedy of mischiefs already effected.

On another ground, I thought the opportunity peculiarly favourable for the proceeding I now propose. It is now three years since the House has been called upon to take that review of the Finance and Commerce of the Country, which, for a considerable period preceding, had been almost an annual custom; and it has happened that those three years have been marked by circumstances which render such a review particularly interesting.

All the efforts of our enemy have during this period been directed, with greater violence and pertinacity than ever, and with a vast accession of power, to the destruction of the British Commerce, and with it of our resources and means of resistance. In addition to that exclusion from the Continent, which the united powers of France and Russia seemed to render almost total and absolute, we have also found ourselves, in a great degree, excluded from the Western Hemisphere by the American Embargo, a measure, which, however professedly grounded on defensive principles, had with respect to our trade the effect of direct hostility; and which not only deprived us of a principal branch of our *direct* trade, but suddenly cut off great part of the means of *indirect* communication with other countries which we before possessed.

Under circumstances so unfavourable, it will be a matter of surprise as well as congratulation, that our Commerce should not have suffered in a greater degree than appears to have been the case.

With this part of the subject, I shall begin the Statement of the Resolutions I am about to propose; not, however, meaning to trouble the House with a detail of figures, which will be best examined at leisure, but to point out a few of the most striking and important circumstances.

I have, in general, adhered to the form of the Resolutions agreed to by the House in 1806; not that I think it in all respects the best, but, because it has been sanctioned by practice, and will be most convenient for comparison with former years. I have, however, introduced two considerable additions. First, I have attempted a statement of the Finance and Commerce of Ireland, which has hitherto been wanting, but appears to me necessary to complete our view of the situation of the United Kingdom; and I have endeavoured to form a general retrospective Estimate of the Expences of the whole war, and the means by which they have been defrayed, the purpose of which Estimate I shall presently explain.

Beginning as I proposed, with the state of Trade, I observe, that the Official Value of all Imports into Great Britain in the year 1802 was 31,442,318*l.*, and in the year 1808, 27,186,025*l.* shewing a diminution of about 4,300,000*l.*: But it must be recollected that the year 1802 was a year of peace, and marked by an extent of trade, which no other year, either previous or subsequent, has ever equalled. An average of 6 years presents a more favourable view. On an average of 6 years, ending with 1802, the Imports of Great Britain were 28,419,626*l.* and on a like average ending with 1808, 28,735,862*l.*, shewing not a diminution but an actual, though small, increase in the latter period. The Official Value of British Manufactures Exported in 1802, was 26,993,129*l.*, and in 1808, 26,692,288*l.*; so that all the mighty efforts directed against our Commerce, might, in this view, be considered as nearly unavailing. But upon a comparison of real values they will appear to have produced *some* effect; though an effect greatly disproportionate to the magnitude of the means employed, and to the privations and sacrifices, which their employment has inflicted on the subjects, and allies of our enemies. The *real* value of British Manufactures exported in 1802, was about 48,500,000*l.*, and in 1808 somewhat less than 41,000,000*l.*, being a diminution of about seven millions and a half: Yet, there is reason to believe, that upon a

comparison of two periods of six years, the export of our Manufactures has considerably *increased*, for the Official Value of British Manufactures exported on an average of six years, ending with 1802, was something short of 23,000,000*l.*, and in a like average ending 1808, somewhat exceeded 25,000,000*l.*

In the exclusion of our Colonial Produce, the enemy appears to have been more successful, for the Official value of Foreign Merchandise exported from Great Britain in 1802, was 14,418,837*l.* and in 1808, 7,398,803*l.* Comparing the two periods, as before, the diminution, though smaller, is still considerable; on an average of six years, ending 1802, the export of Foreign Merchandise was in Official Value about 11,650,000*l.* and in an average of three years, ending 1808, about 8,430,000*l.* and in this case, the Real Values do not very materially differ from the Official.

And here it is with peculiar pleasure, that I turn to the Irish part of the account, and find the Commerce of that important and interesting part of the Empire in a state of progressive improvement.

The Official Value of all Imports into Ireland, in the year 1802, was 6,687,741*l.* Irish Currency, and in 1808, 7,129,507*l.*; The Official Value of Irish Produce, and Manufactures exported in 1802, was 4,876,070*l.*, and in 1808, 5,696,897*l.*

The increase of Real Value was still much greater: In 1802 it was about 8,300,000*l.*, and in 1808 above 12,500,000*l.*; being an increase of more than one third in the course of six years of a burdensome and expensive War. I must here observe, that it had been my wish to frame these Resolutions in such a manner as to give a view of the Trade between Great Britain and Ireland, intirely distinct from the Foreign Trade of the Empire; but, that the present state of the Accounts upon your table has not enabled me to do so. I hope, however, early in the next Session to move for such Accounts as will remove this difficulty in future.

The next part of the Resolutions to which I mean to direct the attention of the House, is that which respects the Unfunded Debt, reserving some remarks on the State of the Funded Debt, as connected with other considerations.

The amount of Unfunded Debt in Exchequer Bills, unprovided for, which on the 5th of January 1803 amounted to 9,800,000*l.*, has been so much encreased by successive Issues, that at the close of the present year it will amount to 27,000,000*l.* Large as this sum may appear, and burdensome as it might prove in case of any depression of public credit, I am by no means disposed to complain of its amount. It seems to me justified by the present abundance of capital in the country, and the high credit of public securities, which have lately enabled the Chancellor of the Exchequer to reduce the rate of Interest on Exchequer Bills, a circumstance highly satisfactory, and on which I sincerely congratulate him and the Public. But the point of view in which I now wish to bring this great increase of Exchequer Bills under the notice of the House, is that of its being in operation and effect, an evasion of the Sinking Fund Act of 1792.

It was unquestionably the intention of Mr. Pitt, in proposing that Act, and of Parliament in sanctioning it, that every augmentation of public debt (except anticipations to be repaid in a short time) should carry with it from the period of its being first incurred the means of its own ultimate redemption. But as Exchequer Bills were then considered in the light of mere temporary anticipations, the Act was not extended to them, but applied to the Funded Debt only.

It has, however, been found convenient, in the course of the late and the present war, to raise large sums on that species of security without any effectual provision for their repayment, but with a view of keeping them afloat by annual renewals till the return of Peace, or some other opportunity of funding them on favourable terms. I am willing to admit that this proceeding, if managed with caution and discretion, may be found ultimately œconomical, and in the case of the late advances from the Bank without interest it was undoubtedly the duty of the Right Honourable Gentlemen to avail himself of so favourable an arrangement; which we owe to the talents and assiduity of the Committee on Finance.

In consequence, however, of this mode of proceeding, large additions have been made to the permanent debt, which have continued for many years without any provision for their redemption. As an example, I may mention the advance from the Bank in 1798, and that in 1800, on the renewal of the Charter, although these are by no means the earliest instances. I impute no blame to the Right Honourable Gentleman for this omission with

respect to the additions which *he* has made, and which will in the last and the present year amount to no less than eight millions. He has only followed the example of all his predecessors, and of Mr. Pitt himself. But I think it high time to apply a remedy to this evil; and for that purpose I beg leave to suggest to him and to the House two modes of proceeding, for their consideration previously to the next session. The first would be by insertion in every Act for raising money on Exchequer Bills, unless charged upon a fund capable of effectually repaying them within three years, a clause appropriating an annual payment of one per cent. on their amount from the Consolidated Fund to the Commissioners for the Reduction of the National Debt. The other (and I think the simpler and more convenient) course would be, to vote annually in the Committee of Supply an additional sum to be applied by those Commissioners equal at least to one per cent. on the amount of all Exchequer Bills outstanding and unprovided for on the 5th of January proceeding. In either case doubts might sometimes occur as to the particular sums to which the regulation would apply, but they would be of no consequence, if the House concur with me in thinking it would be safe and wise to give such a regulation the most liberal interpretation.

I shall not trouble the House by referring to any other Resolution, till we come to that which respects the Expenditure of the present year; and it cannot but excite anxiety and alarm to observe that the Expences to be provided for by Great Britain, exclusively of Ireland, exceed eighty-three millions. Enormous as this sum must appear, I believe the Funds provided for its payment will prove sufficient; and I am not disposed at this time to question the propriety of services, to which Parliament has recently given its approbation. I wish not to starve any service, nor to check any judicious exertion of our forces, but to warn the House that, in the too probable event of a long continuance of the contest, though we may repel hostility and defy invasion, the growing amount of our expences may exhaust our means, and lay us at the mercy of the Enemy.

To one article only of those expences I am at present disposed to advert, and that for the purpose of doing justice to the Gentlemen opposite to me. It is that of the Charges of Management of the Revenue, on the increase of which remarks have lately been made. I believe a considerable part of this increase to arise from the abolition of Fees and increase of Salaries in the Department of the Customs, which is in my opinion not only a wise but a truly œconomical regulation; though it occasions an apparent increase of expence, by bringing into the public accounts a part of those emoluments which were before derived from individuals, and not publicly stated. This regulation had been resolved on, and in part carried into execution, before the appointment of the present Ministers. The case is the same with respect to the increase of the Salaries of the inferior Officers of Excise, whose situation was such as made it impossible for them to subsist their families. I know that the necessity of this increase was felt; and I believe that it was ordered before I quitted the service of the Treasury.

It is not my intention to comment on that part of the Resolutions which regards the Finances of Ireland, on account of the absence of so many Gentlemen belonging to that part of the kingdom; and because the subject has lately been discussed by those who are best qualified to do it justice.

I pass, Sir, over many considerations naturally arising out of the Resolutions I am about to propose, in order to enter upon that subject which has principally induced me to come forward on this occasion.—I mean the charge created on the War Taxes by the Loan of the year.

To illustrate this I have prepared two Resolutions stating the total amount of the Expences of Great Britain during the War, taken in its most extensive sense, as comprising the whole period from 1793, and the means by which they were defrayed. For the Peace of Amiens, though an important æra in many respects, and particularly in a financial point of view, can be considered only as a Truce or Armistice in the long course of hostilities arising out of the French Revolution.

My materials will be found in the Accounts of Income, Expenditure, and Distribution of Grants, which have been annually laid before the House since 1798, when our public Accounts received their present improved form from the labours of the Committee over which you, Sir, presided with so much ability. Previously to that year, I have taken them from the Accounts laid before Parliament in 1800, preparatory to the Union, from the 1st

and 24th Reports of the Committee to which I have just alluded, and from various Accounts printed in the Journals.

I have not attempted, in those Resolutions, to deduce the Account year by year, because I am sensible that in whatever way it might be taken, whether as a Cash Account of Receipts and Payments, or as a statement of Expenditure incurred and of Ways and Means, it might lead to erroneous conclusions, as to particular years, from the various periods to which the Accounts are made up, and the provision frequently made in one year for expences incurred in another. Mine is principally a Cash Account, except that the Loans and War Taxes are stated as belonging to the years in which they were voted, and not to those in which they were actually paid into the Exchequer. And it is obvious that, when the Accounts of a period of several years are taken together, difficulties of the kind I have mentioned will not occur, and the general result may be sufficiently accurate.

From these Resolutions it will appear, that, supposing the War to continue to the same period of next year as that at which I am now speaking, the Expenditure of Great Britain, during the War, from 1793 (exclusively of Ireland) will have exceeded a Thousand Millions sterling, a sum, at first sight, sufficient to impress us with astonishment and apprehension. But, when we consider that this Expenditure has been the means, under Providence, of saving us from the calamities which have overwhelmed the rest of Europe, we shall cease to regret its amount however enormous, and, as we look into particulars, our feelings will be changed into admiration of the spirit and the resources of the country. It will be seen that, in proportion to the pressure of continued warfare, the exertions of the Nation increased, and its means appeared to expand; and that they have been applied with much greater vigour in the latter period of the War, namely, since its renewal, than in the former. Of about 503 millions, which were expended previously to the Peace of Amiens, (including the whole of the year 1802,) about 273 millions were raised either by the Ordinary Revenue or by Extraordinary Taxes within the year, and about 230 millions by additions either to the Funded or Unfunded Debt. In the six years since the renewal of hostilities, ending with the 5th of January last, about 396 millions have been expended, of which upwards of 311 have been raised within the year and less than 85 millions by additions of debt. In the first period almost one-half was borrowed; in the second less than one-fourth.

The progress of these exertions, to meet the heavy charges of protracted war, without entailing burdens upon posterity, will more distinctly appear by reference to the Resolution (No. 16.) in which I have shewn the actual produce of the Taxes imposed in each year from 1793.

In the commencement of the War, while public credit was still flourishing, nothing further was attempted than to provide for the Loan of each year, by the imposition of Taxes sufficient to furnish its Interest, and a Sinking Fund of one per cent. according to the regulations of the Act of 1792, and not exceeding 12 or 1,300,000*l.* in any year. But expences continued to accumulate, and difficulties to multiply from year to year, till, in 1797, the financial situation of the Country became truly alarming. The Unfunded Debt had increased to such a degree as to become subject to a heavy discount; the funds had sunk so low that a loan could only be procured on terms of usurious interest; the disposable capital of the country seemed unequal to the increasing demands of the Government; and even the credit of the Bank was seriously shaken. Under these alarming circumstances, it became necessary to create upwards of 70 millions of additional capital, and to provide for an annual charge of upwards of three millions within the year. Such a charge required the imposition of new Taxes equal to one-fifth of all the permanent Taxes then existing. It was apparent that such a course could not be long pursued without risking the total ruin of public credit, and exhausting the resources of the Nation by an accumulation of new Taxes, so rapid as to render the old ones unproductive. Mr. Pitt was alarmed, but not dispirited; and he determined to meet the urgency of the crisis with a corresponding exertion. He proposed to parliament, in 1798, to raise, by extraordinary means within the year, such a sum as might reduce the Loan to a moderate amount. The means chosen, were the Voluntary Contribution and the Aid and Contribution Act, commonly called the Triple Assessment, a measure which proved very burdensome, and was in many respects injudiciously contrived. Yet, with all the defects of both these measure, the end proposed was, in a great degree, ob-

tained; the spirit of the Nation was roused; the practicability of raising a large sum within the year was proved; and better digested plans were afterwards adopted. The produce obtained was, in the whole, about six millions and a half, not indeed paid into the Exchequer in one year, but in successive payments in two or three years.

In the next year, 1799, the Convoy Tax and the Income Tax, the one of which produced annually about 1,200,000*l.* and the other about 5,300,000*l.* were substituted for the Aid and Contribution on Assessed Taxes, and continued from that time till the conclusion of Peace. But a part of the Loan of each year, having been charged upon the Income Tax, its produce applicable to the public service became gradually diminished by the Interest deducted from it; and the amount of the Loans was proportionably increased, till that of 1801 amounted to twenty-five millions and a half.

The conclusion of Peace prevented the return of embarrassments which were then, perhaps, impending, but left a difficulty of a most serious nature behind. A sum of no less than fifty-six millions and a half had been charged upon the Income Tax, which, in the event of the continuance of Peace, would have prolonged, till about the year 1811, a charge which was become unpopular, and in the other event, of a renewal of the war, would have rendered it almost impracticable to meet the public exigencies with any large and immediate supply.

Under these circumstances, my noble friend (Lord Sidmouth) who had some time before succeeded Mr. Pitt as Chancellor of the Exchequer, resolved, in 1802, on one of the boldest and most extensive measures of finance which has ever been attempted.

He determined at once to set the Income Tax free, and to provide for the supplies of the year, including the winding up of the expences of the War, by proposing at the same time, funds capable of bearing the charge of almost one hundred millions of stock. This design he executed in so ample a manner, that the taxes provided have usually exceeded, by at least a million and a half, the charge of the immense sum I have mentioned.

But, in the next year, the firmness and resources of his mind were put to a still severer trial. Hostilities had recommenced under circumstances which at once required the most prompt and extensive exertions, and threatened a long and almost indefinite continuance of the contest. Public credit was not yet firmly re-established, and the burdens of the late war had not become so habitual as to admit of ready additions of a permanent nature. Great as these difficulties were, every thing was to be hoped from the loyalty and spirit of the Country, and the conviction universally felt of the justice and necessity of the War. To these sentiments he determined to make his appeal; and to act upon a system which their influence alone could have enabled him to carry into effect. He proposed to Parliament to raise so large a sum within the year by extraordinary War Taxes as to confine the increase of public debt within very narrow limits, if not wholly to prevent it. For this purpose he brought forward War Taxes which, exclusive of the Taxes imposed to provide for the Loan of the year, have realized upwards of 12 millions on an average of the two last years, although those years have not been favourable to their produce. So ample, indeed, were the Funds provided, that, had the war ended with the first year, a considerable surplus would have remained after the repayment of all debts incurred. The proof of this assertion will be found in the Finance Resolutions agreed to by the House in 1804. Before the passing of those Resolutions, my noble friend had retired from office, having, as his last act of official duty, provided for the supplies of the year 1804. In doing which, he proposed Taxes to the amount of 1,800,000*l.* making, upon the whole, in the course of three years, an addition of above nineteen millions to the Public Revenue. The expences of 1804 exceeded those of 1803, by about ten millions; yet the accumulation of Debt was, in that year, inconsiderable. In the statement of his last budget he strongly urged the importance of adhering to the same system by an annual addition of at least a million to the War Taxes, till the object of equalizing the Income and the Expenditure of the Country should be obtained. By these means it would, upon the scale of expence then subsisting, have been accomplished within three years; and he knew that, when this great point was attained, the continual accumulation of the Sinking Fund would speedily afford means of relief to the Public, which could not be employed either with justice to the stockholders or safety

to the state, so long as the accumulation of Debt continued.

In the year 1805 Mr. Pitt acted upon the same principles, by proposing an addition to the Property Tax, by which its produce was augmented about 1,400,000*l.* but in consequence of increasing Expence, the Loan of that year was raised from ten millions, which had been its amount in each of the two years preceding, to twenty millions.

Early in the following year my noble friends, Lord Grenville and the late Chancellor of the Exchequer, (whose absence this day I greatly regret,) succeeded on the decease of the great statesman of whom I last spoke. They were fully impressed with the importance of the system adopted at the renewal of the War, and determined by a great and painful effort to carry the War Taxes to as great extent as could be reasonably attempted. In fact near six millions were added to their amount in the year 1806. In 1807, no taxes were proposed, in consequence of the plan brought forward by my noble friend, to provide for the further expences of the war, and which has been sufficiently discussed on former occasions: and the produce of the taxes imposed last year by the Right Honourable Gentleman opposite, cannot yet be fairly ascertained, but I see no reason to doubt that, together with the short Annuities which expired, they will be sufficient to provide for the charge of the Loan.

I have gone through this detail to shew that by the practice as well as the declared opinions of all the Ministers who have conducted the Finances of this Country, for many years, and by repeated decisions of Parliament, confirmed, so far as I can learn, by the general judgment and approbation of the Nation, the principle has been recognised and established, that to equalize the Income and Expenditure of the Country is the only system upon which we can depend for bringing this arduous and protracted contest to a secure and successful termination.

Let me not, Sir, be misunderstood as the advocate of excessive or unlimited taxation. I am aware that all taxation is in itself an evil, and I can conceive many circumstances under which I should think the Chancellor of the Exchequer had acted in the present instance with prudence and judgment.

The first and most obvious of these would be a great and general impoverishment of the Country. It might then happen (as in fact it did towards the close of the American War) that the imposition of new taxes would add nothing to the Revenue, but only depress the produce of the old ones. But I would ask the Right Honourable Gentleman, and every Gentleman present, from whatever part of the Country, *where* the symptoms of such impoverishment appear? Supposing, however, such a decay to exist, I say that the same necessity which contracts our *means* ought to limit our *expences*. Shall we be the richer for plunging deeper in debt? Will it increase our resources to consume those which yet remain?

In another case of a very opposite kind I might think it advisable to abstain from further taxation—that of a very rapid improvement of the existing Revenue. Did our resources appear to be increasing in a degree nearly commensurate to our wants, I should be unwilling to endanger so prosperous a state of things by any interference: or to abridge the comforts of the public by any change which might be safely avoided or deferred. But though I am convinced that the National Wealth is progressively increasing, I fear we are far from such a state of things. The Revenue has of late appeared rather to decline than to increase.

Another case in which I might approve of the course which has been pursued is that of a prospect of immediate peace, or of a great reduction of expence from any other cause. But of all suppositions this seems at present the most extravagant. The war rages more extensively and with greater exasperation than ever, and every day seems to bring forward some fresh obstacle to accommodation, and some new call for our exertions.

But leaving to the defenders of this measure to point out such circumstances as may, in their opinion, justify it, I shall proceed to state a few of the numerous objections which induce me to condemn it.

In the first place it is a weak and delusive resource, which will be speedily exhausted. To those who contemplate the War Taxes only in a mass, and consider them as producing upwards of twenty millions annually, they may appear to afford resources for funding the charge of many years of war. But distinctly and accurately considered, for this purpose, they will shrink into a very narrow compass. The Property Tax no one has yet proposed to continue in time of peace, even as an annual grant: although, if the

public could be reconciled to it, it might, at a reduced rate, be preferable to many others. But to mortgage it for forty years by means of Loans is two wild an idea to be entertained. This at once reduces the twenty millions to about nine. Of these there is no doubt that a certain proportion may be made permanent without any very material inconvenience, but in my opinion that proportion is a small one; and I am very anxious to know what particular taxes the Right Honourable Gentleman would select. About two thirds of this sum is furnished by Excise duties and one third by Customs. The Custom duties he seems to put out of the question. The Excise duties are on Malt, which produces near half the sum of six millions, and on Tea, Spirits, and Tobacco, and among these he is to make his choice. Will the *Country* approve of his perpetuating a Malt Tax so heavy as that which now subsists? Or will he, in defiance of experience, pledge those taxes which Mr. Pitt was obliged to reduce or to commute because they could not be collected? During war, and especially a war of such animosity as the present, these duties may be tolerably secure: because, in addition to the activity of the Revenue Officers, innumerable other obstacles to a free communication arise from the circumstances of hostility. Our Navy, our Army, nay, even the Navy and the Army of our exasperated enemy, contribute to protect the Revenue. But to continue these duties, when a free communication is restored, would not be to enrich the Exchequer, but to swell the profits of the smuggler, and deprave the morals of the people. The charge of 2,200,000*l.* has already been thrown upon these Excise duties; and I leave the House to judge whether more can be attempted.—And it is almost superfluous to point out the wide difference between the inconveniencies of a temporary charge, for a few years, as proposed by the late Chancellor of the Exchequer, and the long continued pledge of the Right Hon. Gentleman.

A second objection to this diversion of the War Taxes from the purposes for which they were originally granted by Parliament, is, the continual and progressive increase it must occasion in the difficulty of raising the supplies. Supposing (which I have shewn not to be the fact) that there remain a considerable sum, which might not improperly be continued, in time of Peace; still as the amount of the Loan must annually be augmented by a sum, equal to the War Taxes which have been appropriated both by that, and all preceding Loans, they would be most rapidly consumed, by a continual accumulation of compound Interest; and when it shall become unavoidable to seek for fresh funds for these augmented Loans, where will they be found, and in what state of credit will these Loans be raised? If the Right Honourable Gentleman thinks that the People, having been indulged with a respite from further taxation, will return to it more rapidly, he is greatly mistaken. Having once been told by authority, that further burdens were either intolerable or unnecessary, they will readily listen to those, who will never be wanting to tell them the same thing again; and they will be disposed to countenance wild plans of retrenchment, and chimerical schemes of Finance.

Another most important objection occurs when we consider the establishment which it will probably be necessary to maintain, whenever Peace may be concluded. It has been not unusual to insert, among Resolutions of this nature, a conjectural Estimate of the future Peace establishment.

But I have not thought it advisable to propose any thing so vague and uncertain, and depending on so many contingencies, beyond the reach of any human foresight. Yet thus much I must be allowed to say, that judging from every circumstance within our knowledge, and unless a state of things wholly dissimilar from what now exists shall take place, our Peace establishment must so far exceed whatever has hitherto been known in this country, as to require, in addition to the ordinary revenue, the continuance of as large a portion of the War Taxes, as can by any one be deemed proper to be supported during Peace.

It is an objection not less important, though of a totally different nature from any of the preceding, that the system of Finance pursued this year, has the strongest possible tendency to encourage prodigality in the public expenditure.

It is no less true in public than in private œconomy, that what is easily acquired, is often needlessly spent. It is also the natural bias of every department, and may even proceed from laudable though inconsiderate zeal for the public service, to draw to itself as large a portion as possible of the Supplies. If this be not checked (as I fear at present it cannot be) by a firm

and over-ruling controul at the Treasury, it naturally leads to an indefinite and wasteful expence. But the stongest stimulus to excite the Treasury to perform its duty by a vigilant restraint on the public expenditure is wanting, if supplies can be obtained without an immediate pressure on the people. The temptations which perpetually occur to a Minister, of a loose and careless administration of the public purse, are constantly counteracted by the impending and painful task of taxation; the irksomeness of which, few men have experienced more than I have done, having been officially concerned in raising almost half the existing revenue of the Country. This temptation to carelessness of expence, is another strong distinction between the measures of the present year, and the plan of 1807; which was not only compatible with the strictest œconomy, but was calculated on data which required and enforced it.

Perhaps even in nations the thirst for dominion requires a corrective in the burdens of war; but there is in the nature of things an obstacle which must prevent *such* means as we now employ (invincible means if we use them wisely) from being made subservient to the purposes of injustice and ambition. In any war for conquest or for any ordinary national interest, no Minister would dare to come down like Lord Sidmouth, and propose twelve millions of new taxes at once.

We are very apt, Sir, to regard the War Taxes simply in the light of a great additional burden; and as such they certainly are felt at first; but it is time to consider them in another point of view, and to compare them with the pecuniary burdens from which they have preserved us.

For this purpose I shall propose two Resolutions; the first shewing the amount of the saving effected by the War Taxes previously to the Peace of Amiens, and the second the effect of those imposed subsequently to the renewal of hostilities. The first (which in the whole raised about thirty-two millions and a half in five years) diminished the Loans of the years in which they were raised, by about forty eight millions and a half of Capital Stock, and eighteen hundred thousand pounds Annual Charge. The superior exertions of the present war have in the first six years saved one hundred and thirty three millions of Capital, and six millions and three quarters of Permanent Annual Charge; to which is to be added a saving in the present year of about twenty three millions of Capital, and between eleven and twelve hundred thousand pounds Annual Charge; and a similar saving every year during the continuance of the war, unless the Right Honourable Gentleman should charge further Loans on the War Taxes.

But this is a very incomplete and inadequate view of the real pecuniary advantage. It will be evident to every gentleman that if the amount of the Loan is reduced, the competition to obtain it will be increased and the supply of Capital in the market more abundant, compared with the demand, and the sum to be raised will consequently be obtained on more favourable terms. The principle of this saving is perhaps not less certain than a mathematical demonstration, but the extent of its operation can only be calculated on hypothetical data, and it may not therefore be a proper subject for a distinct Resolution of the House. Every gentleman will form his own supposition: I will just mention one which seems to me supported by a strong analogy. In the year 1798, when Mr. Pitt first proposed his system of War Taxes, the Loan was raised at an Interest of above six per cent. In 1800, when they had been established two years, the Interest of the Loan but little exceeded four and a half per cent. Adding the one per cent. Sinking Fund to be provided on the Capital created, the total saving amounted to about two per cent. on the whole sum raised both by Loan and War Taxes. The saving at that time cannot be wholly ascribed to the War Taxes, because the Act for redeeming the Land Tax had then undoubtedly a considerable operation. But it seems not unfair to ascribe an equal effect to the present War Taxes, which so much exceed the former in amount. If this supposition be admitted as just, we must add to the former estimate of saving (including the present year) above seventy millions of Capital, and four millions two hundred thousand pounds Permanent Charge, making together a saving already effected and annually increasing, of two hundred and twenty six millions of Capital and above twelve millions of Permanent Charge. And to this again is to be added the sum saved before the Peace of Amiens, the charge of which we should otherwise be now supporting.

Such, Sir, have been the effects of the system which the Chancellor of the Exchequer has this year forsaken and impaired. A system sanctioned by general approba-

tion, and proved by experience to be solid, wise and œconomical. It has indeed required many sacrifices, and may require more: but it is a most dangerous delusion, to expect to perform great achievements without making great exertions. If we cannot reduce our Expences to our Income we must raise our Income in proportion to our Expences. I am willing to give credit to the Right Honourable Gentleman for readiness to effect every practicable and prudent retrenchment; and I trust still more to the disposition of Parliament and of the Public to enforce it. But what more is wanting, and much more, I fear, must be wanting, we must be prepared to furnish; and it has been my wish, in what I have said, to strengthen the hands of Government (so far as my arguments or opinions could have any force) and to facilitate its resuming the wise, the secure, and honourable course hitherto pursued.

It would be easy to add much on so copious a subject, but the facts I have brought forward, if supported by the recorded opinion of the House, will have far more weight than any thing I could urge: and I consider the Right Honourable Gentleman's assent to them as a favourable omen that, notwithstanding his recent conduct, I shall not ultimately find reason to accuse him of having dilapidated the Resources and impaired the security of the State.—

Mr. Vansittart concluded by moving the first of the following Resolutions.

Resolved, (1.)—THAT the Total Amount of the Public Funded Debt of Great Britain was, on the 1st Feb. 1803, 567,008,978 *l.*;—of which 67,255,915 *l.* had been purchased by the Commissioners for the Reduction of the National Debt, and 19,180,587 *l.* had been transferred to them on account of Land Tax Redeemed; leaving a Funded Debt unredeemed of 480,572,476 *l.*:—And, that the Amount of Annuities charged on Great Britain (after deducting what had fallen in) was, on the 1st of Feb. 1803, in Short Annuities and Annuities for Lives, 539,979 *l.*, and in Long Annuities, 1,015,410 *l.*

(2.)—That the Total Amount of Public Funded Debt created in Great Britain for Account of Ireland was, on the 1st of Feb. 1803, 22,348,000 *l.*;—of which there had been purchased by the Commissioners for the Reduction of the National Debt 1,123,415 *l.*; leaving a Funded Debt unredeemed of 21,224,585 *l.* together with Long Annuities to the Amount of 9,791 *l.*

(3.)—That the Total Amount of Public Funded Debt created in Great Britain for Account of the Emperor of Germany, was, on the 1st of Feb. 1803, 7,502,633 *l.*;—of which 375,137 *l.* had been purchased by the Commissioners for the Reduction of the National Debt; leaving a Funded Debt unredeemed of 7,127,496 *l.*, together with Annuities to the Amount of 230,000 *l.*, which will expire in 1819.

(4.)—That the amount of the Outstanding Demands unprovided for on the 5th Jan. 1803, exclusive of Unfunded Debt, and of the Anticipation of certain Duties annually voted, was 592,630 *l.*: That the Deficiency of Ways and Means for the Year 1802 was 171,431 *l.*;—making the Amount of Demands unprovided for on the 5th Jan. 1803, 764,061 *l.*

(5.)—That the Unfunded Debt, in Exchequer Bills unprovided for, or charged upon Funds which proved insufficient, was, on the 5th Jan. 1803, 9,827,400 *l.*, including 3,000,000 *l.* in the Bank, which bore no Interest, in consideration of the renewal of the Charter.

That the Unfunded Debt in Navy Bills was, on the 5th Jan. 1803, 3,105,648 *l.*

(6.)—That the Total Amount of the Public Funded Debt of Great Britain, including therein the Sum of 18,072,000 *l.*, charged upon the War Taxes in 1807, was, on the 1st of Feb. 1809, 701,229,514 *l.*; whereof 141,808,116 *l.*, had been purchased by the Commissioners for the Reduction of the National Debt, and 23,214,395 *l.* had been transferred to them on account of Land Tax redeemed, and 465,951 *l.* by Purchasers of Life Annuities, leaving a Funded Debt unredeemed of 535,741,052 *l.* And that the Amount of Annuities charged on Great Britain (after deducting such as have fallen in) was, on the 1st of Feb. 1809, in Short Annuities and Annuities for Lives, 98,086 *l.*, including 32,514 *l.*, granted in consideration of Stock transferred to the Commissioners, and in Long Annuities 1,047,494 *l.* And that a further Debt, amounting to 21,278,122 *l.* Capital Stock, and 51,233 *l.* Long Annuities, has been created by the Sums borrowed and Exchequer Bills funded in the present Session of Parliament, out of which 60,867 *l.* Five-per-cent. Annuities of 1797 have been paid off.

(7.)—That the Total Amount of the Public Funded Debt, created in Great Britain for Account of Ireland, was, on the 1st Feb. 1809, 50,094,000 *l.*; of which there had been purchased by the Commissioners for the Reduction of the National Debt, 5,580,389 *l.*, leaving a Funded Debt of 44,513,611 *l.*, together with Long Annuities to the Amount of 91,208 *l.* And that a further Debt, amounting to 3,600,000 *l.* Capital Stock, and 13,250 *l.* Long Annuities, has been created by Sums borrowed in the present Session in Great Britain on Account of Ireland.

(8.)—That the Total Amount of Public Funded Debt created in Great Britain for Account of the Emperor of Germany, was, on the 1st February 1809, 7,502,633 *l.*;—of which 924,236 *l.* had been purchased by the Commissioners for the Reduction of the National Debt, leaving a Funded Debt of 6,578,397 *l.*, together with Annuities to the Amount of 230,000 *l.*, which will expire in 1820.

(9.)—That the Amount of Outstanding Demands unprovided for on the 5th Jan. 1809, exclusive of Unfunded Debt, and of the Anticipation of certain Duties annually voted, was 1,586,581 *l.*;—the whole of which has been paid off, or provided for in the present Session.

(10.)—That on the 5th Jan. 1809, there were 358,000 *l.* in Exchequer Bills charged on the Malt Duties 1807, to the Discharge of which those Duties were insufficient; 17,650,700 *l.* charged on the Aids of 1809; 3,000,000 *l.* held by the Bank at 3-per-cent. in consideration of the renewal of the Charter, and 3,000,000 *l.* on which an advance was made by the Bank without Interest, in 1808; making a Total of Exchequer Bills unprovided for, of 24,017,700 *l.*;—of which Sum 7,932,100 *l.* have been funded in the present Session; and further issues to the amount of 7,510,700 *l.* have been authorized by Parliament for the service of the year 1809.

That the Unfunded Debt in Navy Bills was on the 5th Jan. 1809, 7,221,167 *l.*

(11.)—That the Variations in the state of the Public Debt between the 1st of Feb. 1803, and the 1st Feb. 1810, being seven years of War, may be estimated as follows:

The Public Funded Debt of Great Britain, unredeemed, which on the 1st Feb. 1803 was 480,572,476 *l.* will amount to about 541,500,000 *l.* after deducting about 14,500,000 *l.* for the operation of the Sinking Fund, and the Redemption of the Land Tax during the current year; and about 1,000,000 *l.* for Stock transferred on Account of Life Annuities; being an increase of Capital Stock of about 61,000,000 *l.*

The Public Funded Debt created in Great Britain for account of Ireland, unredeemed, which, on the 1st Feb. 1803, was 21,224,585 *l.* will amount to 47,000,000 *l.*, after deducting 1,110,000 *l.* for the operation of the Sinking Fund during the current year; being an increase of Capital Stock of 25,775,415 *l.*

The Long Annuities of Great Britain, which, on the 1st Feb. 1803, were 1,015,410 *l.*, will amount to 1,098,727 *l.*; being an increase of Annual Charge of 83,317 *l.*

The Long Annuities created in Great Britain for account of Ireland, which on the 1st of Feb. 1803, were 9,791 *l.* will amount to 91,207 *l.*; being an increase of Annual Charge of, 81,416 *l.*

The Unfunded Debt in Exchequer Bills, which, on the 5th of Jan. 1803, was 9,827,400 *l.* will amount to 27,000,000 *l.*; being an increase of 17,172,600 *l.*

The Unfunded Debt in Navy Bills, which on the 5th of Jan. 1803, was 3,105,648 *l.* will, supposing it to be the same as on the 5th of Jan. 1809, amount to 7,221,167 *l.*; being an increase of 4,115,519 *l.*

The Funded Debt created in Great Britain for Account of the Emperor of Germany, Unredeemed, which, on the 1st of Feb. 1803, was 7,127,496 *l.*, will be reduced to 6,477,000 *l.* after deducting 101,000 *l.* for the operation of the Sinking Fund during the current year; being a diminution of Capital Stock of 650,496 *l.*

The Short Annuities of Great Britain, and Annuities for Lives, which on the 1st of Feb. 1803, were 539,979 *l.*, will be reduced to about 170,000 *l.*, supposing 70,000 *l.* to be further granted for Stock transferred to the Commissioners; being a diminution of Annual Charge of about 370,000 *l.*

The Sum applicable to the Redemption of Debt, which, on the 1st of Feb. 1803, was for the Debt of Great Britain, 5,834,986 *l.*; for Debt created in Great Britain for Account of Ireland, 258,434 *l.*; for Debt created in Great Britain for Account of the Emperor of Germany, 47,947 *l.*; making a Total of 6,141,367 *l.*; will amount to 10,524,000 *l.* for the Debt of Great Britain; 743,432 *l.* for the Debt created in Great Britain for Account of Ireland; 67,318 *l.* for the Debt created in Great Britain for Account of the Emperor of Germany;—making a Total of 11,334,740 *l.*; being an increase of 5,193,373 *l.*

(12.)—That the Annual Charge on Account of the Public Funded Debt of Great Britain, after deducting the Charges of Management on Loans redeemed by the Commissioners for the Reduction of the National Debt, and the Interest and Charges of Management on Stock transferred for the Redemption of the Land Tax, was, on the 1st of Feb. 1803, 23,510,967 *l.*; and on the 1st of Feb. 1809, 28,818,999 *l.*; and that a further Charge has been incurred on Account of Stock created in the present Session, amounting to 1,143,566 *l.*

(13.)—That the Sum annually applicable to the Reduction of the National Debt of Great Britain, in pursuance of the several Acts relating thereto, was, for the year 1803, 6,311,626 *l.*; being about 1/77th part of the Unredeemed Debt existing in 1803; and may, for the year 1809, be estimated at 10,524,000 *l.* being about 1/51st part of the Unredeemed Debt existing in 1809.

(14.)—That the Total Net Produce of the Permanent Taxes in the year ending 5th Jan. 1803, amounted to 28,246,681 *l.* including 715,323 *l.* paid for Bounties on Corn and Rice imported in the year 1802; and on the 5th Jan. 1809, the Total Net Produce of Permanent Taxes amounted to 32,380,212 *l.*

(15.)—That the Net Produce of the War Taxes was, in the year ending

	£.	
5th April 1804,		
Customs and Excise	3,377,442	
Property Tax - - -	363,877	
		3,741,319
5th April 1805,		
Customs and Excise	7,868,078	
Property Tax - - -	3,919,108	
		11,787,186
5th April 1806,		
Customs and Excise	8,496,550	
Property Tax - - -	4,481,958	
		12,978,508

5th April 1807,		
Customs and Excise	9,305,799	
Property Tax - - -	7,000,082	
		16,305,881
5th April 1808,		
Customs and Excise	9,018,225	
Property Tax - -	10,817,595	
		19,835,820
5th April 1809,		
Customs and Excise	8,806,899	
Property Tax - -	11,279,423	
		20,086,322

And that the Net Assessment of the Property Tax, on an Average of the Years 1806, 1807 and 1808, was - - - - - - - 11,334,838

(16.)—That the Net Produce of the New and Additional Duties imposed each Year, from the 5th of Jan. 1793 to the present Year, on an Average of the two Years last past, or of the two last Years, whereof a separate Account has been laid before Parliament, was respectively as follows; viz.

	Permanent Taxes.			War Taxes.	Total.
1793	295,464				295,464
1794	1,224,267				1,224,267
1795	1,343,157				1,343,157
1796	1,312,497				1,312,497
1797	3,064,598				3,064,598
1798	657,772	Aid and Contributions collected in several years		6,575,581	7,213,353
1799	128,093	Convoy Duty, on an Average of two years	1,216,251	6,552,154	6,680,247
		Income Duty, on an Average of three years	5,335,903		
1800	946,362				946,362
1801	1,993,627				1,993,627
1802	4,817,333				4,817,333
1803	536,641	Customs and Excise	7,391,954	12,046,619	12,583,260
		Property Tax	4,654,665		
1804	1,101,236	Customs		704,674	1,805,910
1105	1,326,772	Property		1,464,211	2,790,983
1806	439,994	Customs and Excise	667,204	5,883,158	6,322,152
		Property	5,215,954		
1807	Nil.			Nil.	
1808, to 5 Jan. 1809	274,080			35,025	309,105

(17.)—That the Official Value of all Imports into Great Britain, in the Year ending 5th Jan. 1803, was 31,442,318 *l.*; and on an Average of Six Years, ending the 5th Jan. 1803, was 28,419,626 *l.*:

That the Official Value of all Imports into Great Britain, in the Year ending 5th Jan. 1809, supposing the Imports from the East Indies (of which no Account has yet been made up) to be the same as in the preceding Year, was 27,136,025 *l.* and on an Average of six years, ending the 5th Jan. 1809, was 28,735,862 *l.*

(18.)—That the Official Value of British Manufactures, exported from Great Britain in the Year ending 5th Jan. 1803, was 26,993,129 *l.*; and on an Average of six years, ending 5th Jan. 1803, was 22,942,800 *l.*:

That the Official Value of British Manufactures exported from Great Britain in the Year ending 5th Jan. 1809, was 26,692,283 *l.*; and on an Average of Six Years, ending 5th Jan. 1809, was 25,076,425 *l.*:

And, That the Real Value of British Manufactures, exported in the Year ending 5th Jan. 1803, may be estimated at 48,500,683 *l.*; and in the Year ending 5th Jan 1809, at 40,881,671 *l.*

19.—That the Official Value of Foreign Merchandize exported from Great Britain in the year ending the 5th of Jan. 1803, was 14,418,837 *l.*, and on an Average of Six Years, ending the 5th of Jan. 1803, was 11,651,333 *l.*:

That the Official Value of Irish Produce and Manufactures exported from Great Britain in the Year ending the 5th of Jan. 1809, was 464,404 *l.*, and of Foreign Merchandize, was 7,393,803 *l.*; and on an Average of Three Years, ending the 5th of Jan. 1809, the Export of Irish Produce was 362,952 *l.*, and of Foreign Merchandize, 8,431,332 *l.*

(20.)—That in the Year ending the 5th of Jan. 1803, the Number of British Vessels entered Inwards in Great Britain, was 13,622: their Tonnage, 1,793,333: and the number of men employed in them, 108,669;—That the Number of British Vessels cleared Outwards was 13,012; their Tonnage, 1,625,966, and the Number of Men employed in them, 102,427:

That in the Year ending the 5th of Jan. 1803, the Number of Foreign Vessels entered Inwards in Great Britain, was 3,733; their Tonnage, 480,241; and the Number of Men employed in them, 27,737:—And that the Number of Foreign Vessels cleared Outwards was 3,352; their Tonnage, 461,823; and the Number of Men employed in them, 26,749:

That in the Year ending the 5th of Jan. 1809, the Number of British Ships entered Inwards in Great Britain, was 11,305; their Tonnage, 1,311,966; and the Number of Men employed to navigate them, 82,617;—That the Number of British Ships cleared Outwards, was 11,917; their Tonnage, 1,372,261; and

the Number of Men employed to navigate them, 89,601:

That in the Year ending the 5th of Jan. 1809, the Number of Foreign Ships entered Inwards in Great Britain, was 1,926; their Tonnage 283,657; and the Number of Men employed in them 15,540;—That the Number of Foreign Ships cleared Outwards, was 1,892; their Tonnage 282,145; and the Number of Men employed in them 15,671:

(21.)—That the Number of British Ships built and registered in the several Ports of the British Empire, in the

Year ending		Tonnage.
5th Jan. 1803, was	1,281	137,508
5th Jan. 1804,	1,402	135,349
5th Jan. 1805,	991	95,979
5th Jan. 1806,	960	89,975
5th Jan. 1807,	772	69,198
5th Jan. 1808,	770	68,000
5th Jan. 1809,	542	52,146

(22.)—That the Total Sum to be provided by Great Britain, within the year 1809, may be estimated as follows; viz.

Interest of Public Funded Debt, Charges of Management and Sinking Fund on the 1st Feb. 1809		23,343,999
Interest, Charges of Management, &c. to be paid between the 1st of Feb. 1809 and 5th of Jan. 1810, on Stock created in the present Session, to the Amount of 21,278,122*l.*, after deducting Interest on 5 per-Cent. 1797, paid off, about		809,000
Interest of Imperial Loan		495,963
Civil Government of Scotland, Pensions on Revenue, Militia and Deserters Warrants, Bounties for promoting Fisheries, &c. estimated to be the same as in the year ending 5th Jan. 1809		1,301,139
Charges of Collection and Management of the Revenue, estimated to be the same as in the year ending 5th January 1809		2,816,568
Proportion to be defrayed by Great Britain of the Civil List and other Charges on the Consolidated Fund of Great Britain, estimated to be the same as in the year ending 5th of Jan. 1809, 15/17ths of 1,405,552*l.*		1,240,193
Supplies voted 1809, for Great Britain exclusively,	1,927,078	
Supplies voted in 1809 for Great Britain and Ireland, 51,934,212 *l.*		
Deduct proportion of Supplies and Civil List to be defrayed by Ireland, 2/17ths, 6,273,966		
	45,660,246	
		47,587,324
Making in the whole the Sum of		£. 83,099,186

(23.)—That the Funds applicable to discharge the Sum to be provided by Great Britain for the year 1809, may be estimated as follows; viz.

	£.
The Gross Receipt of the permanent Revenue, including Taxes annually voted, after deducting Drawbacks, &c. estimated to be the same as in the year ended 5th Jan. 1809	40,976,075
War Taxes, appropriated to the Charge of Loans 1807 and 1809,	2,240,000
Estimated further Produce, to the 5th Jan. 1810, of Taxes imposed in 1808	350,000
Estimated Produce, to the 5th Jan. 1810, of Taxes imposed in the present Session	52,500
Small Branches of the Hereditary Revenue, and Imprest Monies repaid, estimated to be the same as in the year ended 5th Jan. 1809	208,715
Lottery, deducting the proportion for Ireland	300,000
War Taxes, to the 5th April 1810	19,000,000
Advance to Portugal, to be repaid	150,000
Loan	11,000,000
Surplus of Ways and Means 1808	2,757,352
Exchequer Bills to be issued	7,510,700
Total	£. 84,545,342

(24.)—That the Total Amount of the Public Funded Debt of Ireland, on the 1st of Feb. 1803, including 26,268,667 *l.* Irish Currency, funded in Great Britain, was 39,541,258*l.* of which 2,146,794*l.* had been purchased by the Commissioners for the Reduction of the National Debt, leaving a Funded Debt unredeemed of 37,394,464 *l.*; and that the Amount of Annuities payable by Ireland, after deducting what had fallen in, was, in Annuities for Lives by Survivorship, 48,900 *l.* and in Annuities for terms of years 80,525*l.*

(25.)—That the Amount of Unfunded Debt and Demands outstanding in Ireland on the 5th Jan. 1803, was 1,492,687 *l.*

(26.)—That the Total Amount of the Public Funded Debt of Ireland, including 56,326,834*l.* funded in Great Britain, was, on the 1st of Feb. 1809, 76,110,856 *l.* Irish Currency, of which 9,008,829*l.* had been purchased by the Commissioners for the Reduction of the National Debt, leaving a Funded Debt unredeemed, of 67,102,027 *l.*; and that the amount of Annuities payable by Ireland on the 1st of Feb. 1809, was in Annuities for Lives by Survivorship 48,900*l.*, and in Annuities for terms of Years 168,726 *l.*; and that a further Debt will be created by Loans raised in the present Session of Parliament, amounting to 5,400,000 *l.* Capital Stock, and 14,354 *l.* Long Annuity.

(27.)—That the Amount of Unfunded Debt

and Demands outstanding in Ireland, on the 5th of Jan. 1809, was 570,744 *l.*; and that a further Unfunded Debt will be created by Loans raised in the present Session of Parliament, amounting to 114,062 *l.*

(28.)—That the Annual Charge on account of Interest, Management and Redemption of the Public Funded Debt of Ireland, including 129,425 *l.* for Annuities, was on the 1st of Feb. 1803, 1,997,451 *l.* and on the 1st of Feb. 1809, 3,663,321 *l.* including 217,626 *l.* for Annuities; and that a further Charge has incurred, on account of the Sums borrowed in the present Session of Parliament, of 264,000 *l.*

(29.)—That the variations in the state of the Public Debt of Ireland between the 1st of Feb. 1803, and the 1st of Feb. 1810, being seven years of war, may be estimated as follows:

The Public Funded Debt of Ireland unredeemed, which on the 1st of Feb. 1803, was 37,394,464 *l.* Irish currency, will amount to about 70,700,000 *l.* after deducting 1,800,000 *l.* for the operation of the Sinking Fund during the current year; being an increase of the Capital Stock of about 33,300,000 *l.*

The Unfunded Debts and Demands outstanding, supposing such outstanding Demands on the 5th of Jan. 1810 to be equal to what they were on the 5th of Jan. 1809, will amount to about 684,809 *l.*; being a diminution of 307,873 *l.*

(30.)—That the Sum applicable to the redemption of the Public Funded Debt of Ireland, which on the 1st of Feb. 1803 was 464,198 *l.*, being about 1/86th part of the unredeemed Debt then existing, was on the 1st of Feb. 1809, 1,282,354 *l.* being about 1/52nd part of the Unredeemed Debt, and may be estimated to amount on the 1st of Feb. 1810 to about 1,396,000 *l.*

(31.)—That the Total Net Payments into the Exchequer on account of the Ordinary Revenue of Ireland, in the year ending 5th of Jan. 1803, was 3,314,293 *l.* and in the year ending the 5th of Jan. 1809, 4,571,250 *l.*

(32.)—That the Official Value of all Imports into Ireland, in the year ending the 5th of Jan. 1803, was 6 087,741 *l.*:—And,

That the Official Value of all Imports into Ireland, in the year ending the 5th of Jan. 1809, was 7,129,507 *l.*

(33.)—That the Official Value of Irish Produce and Manufactures exported from Ireland in the year ending the 5th of January 1803, was 4,876,070 *l.* and the Real Value thereof 2,876,817 *l.*:—And,

That the Official Value of Irish Produce and Manufactures exported in the year ending the 5th of Jan. 1809, was 5,696,897 *l.* and the Real Value thereof 12,577,517 *l.*

That the Official Value of Foreign Merchandize exported from Ireland in the year ending the 5th of Jan. 1803, was 212,208 *l.*; and in the year ending the 5th of Jan. 1809, 235,694 *l.*

(34.)—That the Number of Irish Vessels which entered Inwards in Ireland, in the year ending 5th Jan. 1803, was 1,408; their Tonnage, 98,101; and their men, 7,001:—Of British Vessels, 5,826; their Tonnage, 535,819; and their men, 31,805:—And the Number of Foreign Vessels, 366; their Tonnage, 58,560; and their Men, 3,791.

That in the year ending the 5th Jan. 1809, the Number of Irish Vessels which entered Inwards was 1,583; their Tonnage, 111,614; and their men, 7,485:—The Number of British Vessels, 7,189; their Tonnage, 696,403; and their men, 38,426:—And the Number of Foreign Vessels, 159; their Tonnage, 25,356; and their men 1,580.

(35.)—That the Total Amount of the Public Expenditure of Great Britain, exclusive of the Charge of Loan raised for the service of Ireland, for ten years ending the 5th of Jan. 1803, comprising the whole period of the War terminated by the Peace of Amiens, may be stated at about 503,378,540 *l.*; whereof 178,520,454 *l.* arose from the Charge of the Public Funded and Unfunded Debt, and 324,858,086 *l.* from all other Services; and that about 251,909,953 *l.* was raised by the Ordinary Revenue and incidental Payments of different kinds, about 32,679,000 *l.* by Extraordinary War Taxes, 220,095,607 *l.* by Additions to the Public Funded Debt, 3,000,000 *l.* by an Advance from the Bank without Interest, in consideration of the renewal of the Charter, and an Advance of 3,000,000 *l.* from the Bank in 1798, of which 1,500,000 *l.* was repaid in 1803.

(36.)—That the Total Amount of the Public Expenditure of Great Britain, exclusive of the Charge of Loans raised for the service of Ireland, for six years ending the 5th Jan. 1809, being the six first years of the present War, may be stated at about 395,945,599 *l.*; whereof 166,445,052 *l.* arose from the Charge of the Public Funded and Unfunded Debt, and 229,701,647 *l.* from all other Services; and that about 224,403,222 *l.* has been raised by the Ordinary Revenue and Incidental Payments of various kinds, 92,240,000 *l.* by Extraordinary War Taxes, 81,168,418 *l.* by Additions to the Public Funded Debt, and 3,500,000 *l.* by an Advance without Interest from the Bank.

(37.)—That if the Sum raised by War Taxes previously to the Peace of Amiens, had been added to the Loans of each year, and raised at the same rate at which such Loans were actually raised in each year respectively, a further Charge would have been incurred, of 48,678,000 *l.* Capital Stock, and 1,850,000 *l.* Annual Charge to be raised by Permanent Taxes.

(38.)—That if the Sum raised by War Taxes during the first six years of the present War, had been added to the Loan of each year, and raised at the same rate at which such Loans were actually raised in each year, a further Charge would have been incurred, of 132,969,000 *l.* Capital Stock, and 6,755,000 *l.* Annual Charge to be raised by Permanent Taxes.

Mr. *Huskisson* upon the main view of the subject, agreed with the right hon. gent. in his Resolutions, and had no doubt but our resources, notwithstanding all the difficulties under which we had been placed, were fully adequate to every exertion we should be called upon to make for the honour, defence and independence of the country.

The preceding Resolutions were then read from the chair, and agreed to.

[PETITION OF MR. ATKINS.] Mr. *W. Smith* presented a Petition from Becher Westropp Atkins, late Barrack Master in Sandown bay division, Isle of Wight; setting forth, "That the Petitioner served his majesty as lieutenant in the 27th regiment of infantry in the West Indies, during the years 1797 and 1798, under the command of the late general sir Ralph Abercrombie, who conferred upon him an ensigncy in that regiment; and he was afterwards appointed a barrack master in the Isle of Wight; and that, in the execution of his various duties in that capacity, the petitioner was struck with the existence of certain abuses, by means of which great sums of the public money were improvidently expended; and in December 1805 he submitted to the then Secretary at War a plan evidently calculated to effect great savings to the barrack department, and that, owing to the suggestions, of the petitioner, very great retrenchments took place in the barrack department; and, amongst other circumstances, the rent of the temporary barracks hired upon the part of government were reduced nearly one half, and others given up as useless; and that at the time the petitioner was induced to point out the above-mentioned abuses to the Secretary at War he stated the disagreeable predicament in which such a proceeding would inevitably place him if he was suffered to remain under the immediate controul of those who were implicated in the transactions he complained of, and upon this ground he solicited a removal from the Isle of Wight to a similar appointment then vacant at Deal, but such solicitation was not attended to, and he was left singly to contend against an host of enemies, whose frauds he had been the means of detecting, and after suffering various mortifications he was turned out of his situation, having a numerous family to support, without even having been acquainted with any accusation alledged against him; and that the petitioner was informed at length through another channel, that the cause of his dismissal was an affidavit produced against him by a proprietor of one of the barns then hired by government as a temporary barrack, and about to be given up, at the petitioner's recommendation, on account of an exorbitant rent paid for it; and the petitioner being denied the advantage of a fair trial, he instantly adopted the only means in his power of rebutting such affidavit, namely, by a counter affidavit; and the petitioner conceives that, if an inference is to be drawn out of these affidavits, printed by order of the last parliament, his character will stand acquitted, inasmuch as those in his favour are the joint depositions of three persons, and state a connected chain of circumstances, whereas the one exhibited against him is the assertion of an individual, avowedly his enemy, and an interested person; and that the petitioner humbly requests a fair and open investigation, whereon he undertakes not only to manifest his own innocence, but to substantiate charges of a most criminal nature against one or more persons who are now unworthily filling situations of public trust; and that by reference to the Fourth Report of the Commissioners of Military Enquiry, it will appear great rents are paid for buildings or barns, and regarding which there is contradictory evidence; and that the petitioner offered to substantiate the above charges upon oath before the commissioners of military enquiry, but as that tribunal would not accede to the proposal of the petitioner, to allow him to be present at examination of witnesses, or permit counsel on his behalf, or allow him to call on such evidence as the petitioner requested, and which he conceived necessary, he was deprived of all reasonable expectation or hope of redress, and consequently he was induced to decline the further prosecution of the charges; and praying that the House will take his unfortunate case into consideration, and afford him such relief as the justice thereof shall be thought to require."

The Petition was read and ordered to lie upon the table.

HOUSE OF LORDS.

Wednesday, June 21.

[THE LORDS COMMISSIONERS' SPEECH.] The Lord Chancellor stated to their lordships, that the Lords Commissioners appointed by the king, had received two commissions from his majesty, signed by

his own hand, one for giving the royal assent to a bill agreed to by both houses of parliament, and the other, for proroguing the parliament. After reading the first of which, the Lords Commissioners, viz.; the Lord Chancellor, the archbishop of Canterbury, and the earls of Camden, Dartmouth, and Westmoreland, took their seats on the woolsack. The Lords Commissioners then desired the attendance of the House of Commons in the House of Lords to hear his majesty's gracious communication. On the Speaker's appearance at the bar, and about forty members of the House of Commons,

The *Lord Chancellor* in his majesty's name delivered the following Speech.

"My Lords and Gentlemen,

"We are commanded by his majesty to acquaint you, that his majesty has great satisfaction in being enabled, by the state of public business, to release you from your laborious attendance in Parliament.

"His majesty doubts not, that on your return into your respective counties, you will carry with you a disposition to inculcate, both by instruction and example, a spirit of attachment to those established laws and that happy constitution, which it has ever been his majesty's anxious wish to support and to maintain, and upon which, under Providence, depend the welfare and prosperity of this kingdom.

"Gentlemen of the House of Commons,

"We have it in command from his majesty to thank you for the liberal provision which you have made for the services of the present year; and to express the satisfaction which his majesty derives from your having been enabled to provide for those services without any great and immediate addition to the burthens upon his people.

"His majesty particularly commands us to acknowledge your prompt attention to his wishes, respecting an increased provision for the poorer clergy; an object in the highest degree interesting to his majesty's feelings, and deserving the favourable consideration of Parliament.

"My Lords and Gentlemen,

"The atrocious and unparalleled act of violence and treachery by which the Ruler of France attempted to surprize and to enslave the Spanish nation, while it has excited in Spain a determined and unconquerable resistance against the usurpation and tyranny of the French government, has, at the same time, awakened in other nations of Europe a determination to resist, by a new effort, the continued and increasing encroachments on their safety and independence.

"Although the uncertainty of all human events, and the vicissitudes attendant upon war, forbid too confident an expectation of a satisfactory issue to the present struggle against the common enemy of Europe, his majesty commands us to congratulate you upon the splendid and important success which has recently crowned the arms of the Emperor of Austria, under the able and distinguished conduct of his Imperial Highness the Archduke Charles.

"To the efforts of Europe for its own deliverance, his majesty has directed us to assure you, that he is determined to continue his most strenuous assistance and support, convinced that you will agree with him in considering that every exertion for the re-establishment of the independence and security of other nations, is no less conducive to the true interest, than it is becoming the character and honour of Great Britain."

Then a Commission for proroguing the Parliament was read; after which the Lord Chancellor, by virtue of his majesty's commission, prorogued the Parliament to Thursday the 10th day of August next.

HOUSE OF COMMONS.

Wednesday, June 21.

The Speaker took the chair at half past three: and shortly afterwards a Message was brought by the deputy Usher of the black rod, requiring the attendance of the House at the bar of the House of Peers, to hear his majesty's commission read. The Speaker, attended by the whole house went up forthwith. On their return, the Speaker read a copy of the Speech delivered by the Lords Commissioners: after which, the members separated.—Thus ended the Third Session of the Fourth Parliament of the United Kingdom of Great Britain and Ireland.

APPENDIX.

APPENDIX

TO THE

PARLIAMENTARY DEBATES.

VOL. XIV.

FINANCE ACCOUNTS OF GREAT BRITAIN,

FOR THE YEAR ENDED FIFTH OF JANUARY 1809.

CLASS		CLASS	
I.	PUBLIC INCOME ..... p. i, ii	V.	PUBLIC EXPENDITURE .... xv—xxx
II.	CONSOLIDATED FUND ..... iii—x	VI.	PUBLIC FUNDED DEBT .. xxxi—xxxiv
III.	ARREARS AND BALANCES .... x—xii	VII.	UNFUNDED DEBT .... xxxv, xxxvi
IV.	TRADE AND NAVIGATION .... xiii, xiv	VIII.	DISPOSITION OF GRANTS xxxvii—viii

I.—PUBLIC INCOME.

HEADS OF REVENUE.	Gross Revenue. £.	s.	d.	Net Produce. £.	s.	d.	Payments into Exchequer £.	s.	d.
ORDINARY REVENUES. *Permanent and Annual Taxes.*									
Customs	9,214,131	0	8	7,726,116	19	9½	6 428,972	11	11¾
Excise	19,824,315	9	0	18,182,174	12	1¾	17,847,897	2	6
Stamps	4,821,865	2	2½	4,695,871	9	10¼	4,536,311	19	10
Land and Assessed Taxes	7,606,192	18	3¾	7,789,816	19	4½	6,909,788	16	0¼
Post Office	1,498,251	2	8¼	1,268,536	2	1¼	1,076,000	0	0
1 *s.* in the £. on Pensions and Salaries	63,465	13	2½	65,136	15	8½	62,456	8	11
6*d.* in the £. on Pensions and Salaries	62,013	14	2	61,264	1	5¼	60,784	0	0
Hackney Coaches	28,753	12	6	26,347	16	3½	26,029	0	0
Hawkers and Pedlars	14,005	11	5½	11,475	0	0	11,475	0	0
Total Permanent and Annual Duties	43,132,994	4	2½	39,826,739	16	8¼	36,959,714	19	3½
Small Branches of the Hereditary Revenue.							Hanaper 2,000	0	0
Alienation Fines	9,044	6	8	11,536	10	9	7,200	8	8
Post Fines	936	10	0¾	5,940	10	2¾	-	-	-
Seizures	3,733	11	7½	3,733	11	7½	3,733	11	7½
Compositions	3	10	0	3	10	0	3	10	0
Proffers	680	8	10	680	8	10	680	8	10
Crown Lands	50,721	9	3¼	87,447	4	10½	24,202	18	4
Extraordinary Resources.									
War Taxes. Customs	2,784,544	4	1	2,368,850	17	8½	2,368,850	17	8½
War Taxes. Excise	6,876,798	17	7½	6,827,510	1	10½	6,802,815	2	6
War Taxes. Property Tax	11,398,134	16	4½	11,120,131	10	7¼	11,120,131	10	7¼
War Taxes. Arrears of Income Duty, &c.	15,427	7	7¼	15,020	11	6¾	15,020	11	6¼
Lottery, Net Profit—one third for Ireland	461,250	0	0	438,619	11	6	438,619	11	6
Monies paid on Account of the Interest of Loans raised for the Service of Ireland	2,055,123	6	1	2,055,123	6	1	2,055,123	6	1
On Account of the Commissioners, appointed for issuing Exchequer Bills for Grenada	68,907	6	6	68,907	6	6	68,907	6	6
Surplus Fees of Regulated Public Offices	56,129	1	0	56,129	1	0	56,129	1	0
From the Receivers General of the Counties, on Account of Militia Fines	14,874	13	4	14,874	13	4	14,874	13	4
Monies paid on Account of the Surplus Revenue of the Isle of Man	4,045	8	1	4,045	8	1	4,045	8	1
Imprest Money repaid by Public Accountants	121,040	13	8½	121,040	13	8½	121,040	13	8½
Other monies paid to the Public	228	7	0	228	7	0	228	7	0
Total, independent of Loans	67,054,618	2	1	63,026,563	1	10¼	60,063,322	6	3½
Loans paid into the Exchequer, in Part of £.10,500,000 including £.2,500,000 for Ireland	10,102,620	15	6	10,102,620	15	6	10,102,620	15	6
GRAND TOTAL	77,157,238	17	7	73,129,183	17	4½	70,165,943	1	9½

II.—CONSOLIDATED FUND.

INCOME.	£.	s.	d.
Net Produce of the Customs	3,047,990	11	7
Excise	14,351,366	2	6
Stamps	3,032,250	17	9¾
Incidents	5,649,201	18	9
Surplus of Sugar, Malt, & Tobacco, annually granted	1,436,039	5	5½
Arrears of Annual Malt	1,240	6	10
Land Tax, 1779, 1799, 1800, 1801, 2, 3, 4, 5, 6, 7, & 8	1,12,754	15	8
Pensions, Anno 1799, 1800, 1801, 2, 3, 4, 5, 6, & 7	139,106	2	4
Income Duty, Anno 1799, 1800, 1801	14,759	9	2⅓
Arrears of Assessed Taxes 1798	261	2	3½
Money reserved on account of Nominees appointed by the Lords of the Treasury in Tontine 1789	24,041	16	11¼
Monies paid into the Treasury by divers Persons being sundry Balances due to the Public	272,217	13	8
Imprest Monies repaid by various	16,388	0	11½
Interest, &c. on Loans for the Service of Ireland	906,542	6	8
Total Income of the Consolidated Fund, applicable towards paying the Charge existing at 5th Jan. 1803	30,018,160	10	8
DUTIES pro Anno 1803.			
Brought from Consolidated Stamp Duties, per Act 48 Geo. 3. cap. 149	70,327	8	9¾
Reserved out of Consolidated Customs, per Act 43 Geo. 3. cap 68. at £.250,000 per Annum	250,000	0	0
Reserved out of Consolidated Duties on Assessed Taxes, per Act 48 Geo. 3.	297,452	0	0
Interest, &c. on Loan for Ireland	135,579	10	2
TOTAL	753,358	18	11⅗
DUTIES pro Anno 1804			
Brought from Consolidated Stamp Duties per Act 48 Geo. 3 cap. 149.	1,108,890	16	3
Interest, &c. on Loan for the Service of Ireland	328,954	9	10
TOTAL	1,437,845	6	1

CHARGE.	Actual Payment out of the Consolidated Fund, in the Year ended 5th January 1809. £.	s.	d.	Future Annual Charge upon the Consolidated Fund, as it stood on 5th January 1809. £.	s.	d.
Total Charge for Debt created prior to 5th of Jan. 1803, as it stood on 5th January 1809	24,101,086	16	2½	24,163,927	5	3½
CIVIL LIST.—His Majesty's Household	898,000	0	0	898,000	0	0
Ditto per Act 44 Geo. 3	60,000	0	0	60,000	0	0
COURTS OF JUSTICE.—Judges of England and Wales, in Augmentation of their Salaries	13,050	0	0	13,050	0	0
Aaron Graham, Esq. Inspector of the temporary Places of Confinement for Felons, &c.	350	0	0	Uncertain.		
W. Baldwin, Esq. Receiver of the 7 Police Offices	16,843	17	1¼			
Patrick Colquhoun, Esq. Ditto Thames Police Office	6,884	19	1			
John Bedford, Esq. Chief Justice of the Admiralty Court in the Island of Barbadoes	893	12	4			
Henry Moreton Dyer, Esq. ....Ditto....Bahamas..	2,000	0	0	2,000	0	0
Alexander Croke, Esq. .....Ditto....America..	2,000	0	0	2,000	0	0
John Sewell, Esq. .....Ditto....Malta	2,000	0	0	2,000	0	0
Henry John Hinchleffe, Esq. ..Ditto....Jamaica ..	2,000	0	0	2,000	0	0
William Territt, Esq.....Ditto....Bermudas.	2,000	0	0	2,000	0	0
Sheriffs of England and Wales	4,000	0	0	4,000	0	0
Deficiencies of Judges Salaries	5,573	0	1¾	Uncertain.		
MINT.—Master of his Majesty's Mint in England	10,350	0	0	13,800	0	0
..... Ditto..... Scotland	1,200	0	0	1,200	0	0
Receiver of Fees in the Office of the Mint	2,753	12	6	Uncertain.		
Salaries and Allowances	11,739	0	0	7,950	0	0
Commissioners for Auditing the Public Accounts	12,500	0	0	12,500	0	0
Salaries and Contingences in the Office of Ditto	34,518	19	4	Uncertain.		
Commissioners for Auditing the West India Accounts	3,500	0	0	3,500	0	0
Salaries and Contingences in the Office of Ditto	5,458	16	8	Uncertain.		
Pensions	303,705	13	11	293,869	14	10
MISCELLANEOUS.—For the Encouragement of the Growth of Hemp and Flax in Scotland	2,956	13	8	2,956	13	8
The Governors of Queen Anne's Bounty	500	0	0	Uncertain.		
Commissioners for Compensations for Loss sustained under the Act for the Improvement of the Port of London.	196,916	9	8			
Salaries and Contingences in the office of ditto	6,000	0	0			
Fishmongers' Company, for Rent of Porter's Quay	621	5	0			
John Milliard, Esq. for Rent of Smart's Quay	352	12	0			

William Williams, Esq. for Rent of Shatt's Quay	352	12	0

DUTIES pro Anno 1805.								
Duty on Goods, Anno 1805	272,099	3	3¾					
Brought from Consolidated Stamp Duties per Act 48 Geo. 3. cap. 149	67,672	9	2					
Additional Duty on Letters per Act 45 Geo. 3	155,333	16	7½					
Duty on Horses for Riding	168,448	0	0					
Duties on Salt, Auctions, Bricks and Tiles Coffee, Cyder and Perry, Glass, Vinegar, and Wire	667,529	0	0					
Interest, &c. on Loan for the Service of Ireland....	275,834	11	4					
TOTAL	1,606,917	0	5¼					
DUTIES pro Anno 1806.								
Brought from Consolidated Excise, per Act 46 G. 3 — Wine, Anno 1803	260,699	0	0					
Ditto, ...1804	173,411	0	0					
Tea, ...	52,075	0	0					
British Spirits, Anno 1806	497,540	0	0					
Arrears of £ 10 per Cent. per Act 48 Geo. 3.	428,422	18	6¾					
Reserved out of Consolidated Duties on Assessed Taxes in lieu of £.10 per Cent. per Act 48 Geo. 3.	110,967	0	0					
Interest &c. on Loan for the Service of Ireland	133,312	16	7					
Brought from Consolidated Stamp Duties, per Act 48 Geo. 3. cap. 149	7,415	5	4					
TOTAL	1,663,843	0	5¾					
DUTIES pro Anno 1807.								
Brought from War Taxes to pay the Charges on Loan per Act 47 Geo. 3. c. 55.	1,184,593	15	9¾					
Interest, &c. on Loan for the Service of Ireland....	259,213	5	0					
TOTAL	1,443,807	0	9¾					
DUTIES pro Anno 1808.								
Surplus of Consolidated Duties on Assessed Taxes .	25,325	19	0					
Surplus of Consolidated Stamp Duties, after reserving as directed by Act 48 Geo. 3. cap. 149	249,755	2	5½					
Interest, &c. in Loan for the Service of Ireland	15,686	6	6					
TOTAL	290,767	8	0½					
TOTAL INCOME of the CONSOLIDATED FUND in the year ending 5th January 1809.	37,214,699	5	6	**TOTAL CHARGE upon the CONSOLIDATED FUND in the Year ended 5th January 1809 ....**	32,747,753	4	7¾	32,845,461 14 9

Commissioners of Northern Lighthouses	10,000	0	0					
For the Improvement of the Port of London, in full of £. 24,000 per Act 47 Geo 3	4,000	0	0	Uncertain.				
West India Dock Company, in full of £. 30,000 per Act 47 Geo. 3.	15,000	0	0					
A Repayment to Messrs. Puget and Bainbridge	1,208	13	9					
Total of Incidental Charges upon the Consolidated Fund as they stood on the 5th Jan. 1809 .	1,638,677	3	2		1,320,976	8	6	
Debt incurred in respect of £ 12,000,000 raised for the Service of the Year 1803	813,721	16	10		817,120	3	11	
Debt incurred in respect of £. 14,500,000 raised for the Service of the Year 1804	1,169,483	19	10		1,174,168	18	0	
Debt incurred in respect of £. 22,500,000, raised for the Service of the Year 1805	1,709,306	7	2¼		1,716,992	2	6½	
Debt incurred in respect of £. 20,000,000, raised for the Service of the Year 1806	1,333,220	0	0		1,339,288	0	0	
Debt incurred in respect of £. 14,200,000, raised for the Service of the Year 1807, including £. 1,500,000, raised for the Service of Ireland ..	1,659,331	12	7		1,434,932	13	4½	
Debt incurred in respect of £. 4,000,000, Exchequer Bills, funded for the Service of the Year 1808	322,925	8	10		878,056	3	1¼	
Recapitulation — Ditto....Ditto..... prior to 1803	24,101,086	16	2½		24,163,927	5	3½	
Total of Incidental Charges	1,638,677	3	2		1,320,976	8	6	
Total Charges for Debt, incurred in the Year 1803	813,721	16	10		817,120	3	11	
Ditto....Ditto..... 1804	1,169,483	19	10		1,174,168	18	0	
Ditto....Ditto..... 1805	1,709,306	7	2¼		1,716,992	2	6½	
Ditto....Ditto..... 1806	1,333,220	0	0		1,339,288	0	0	
Ditto....Ditto..... 1807	1,659,331	12	7		1,434,932	13	4¾	

An Account of the Net Produce of all the PERMANENT TAXES *of* GREAT BRITAIN;

	In the Year ended 5 Jan. 1808. £.	s.	d.	5th Jan. 1809. £.	s.	d.
CONSOLIDATED CUSTOMS	3,357,365	11	10	3,257,427	13	0¼
.... Ditto ..... EXCISE	15,544,304	0	0	15,505,080	2	6
.... Ditto ..... STAMPS	4,203,046	1	4	4,476,838	2	3
INCIDENTS.						
Houses and Windows 1758	-	-	-	6	2	9
Ditto 1766	-	-	-	102	12	5½
Inhabited Houses 1778	17	12	8¼	185	7	8½
Horses for Riding 1785	18	15	0	101	10	4½
Male Servants	22	14	1	70	0	0
4 Wheeled Carriages	303	19	7½	17	0	0
2 Ditto	35	0	0	7	0	0
Waggons	-	-	-	0	6	0
Carts	0	18	0	18	6	0
Female Servants	-	-	-	0	3	9
Hackney Coaches and Chairs 1711 & 1784	27,564	0	0	26,029	0	0
6*d.* per £. on Pensions	71,352	0	0	54,784	0	0
1*s.* Ditto .... Salaries	60,544	6	1	40,823	0	0
Letter Money	1,084,816	9	2¼	1,080,000	9	11½
Hawkers and Pedlars	9,300	0	0	12,125	0	0
Seizures	8,645	16	1	3,733	11	7½
Proffers	550	3	7	680	8	10
Compositions	2	0	0	3	10	0
Fines and Forfeitures	902	1	0	1,321	19	2
Rent of a Lighthouse	6	13	4	6	13	4
Ditto .. Alum Mines	960	0	0	816	0	0
Alienation Duty	2,634	10	8	7,200	8	8
Lottery Licences	6,371	1	8	4,879	17	7
Legacies	65,138	2	9	54,594	0	0
Quarantine Duty	9,605	19	10	11,445	3	0¾
Canal and Dock Duty	25,469	14	5½	29,117	15	6
£. 10 per Cent. 1793	-	-	-	10	16	0
Hair Powder Certificates 1795	4,983	4	0¼	2,159	19	8½
Horse Dealers' Licences 1796	1,624	6	10	145	8	4½
£. 10 per Cent	0	14	0	—		
Horses for Riding	2	12	6	—		
£. 20 per Cent. 1797	310	4	0¾	—		
Male Servants	14	1	3	—		
Additional Assessed Taxes 1798	2,888	11	2¼	—		
Houses and Windows	2,111	19	7¾	538	1	6
Inhabited Houses	2,153	8	11½	104	2	6
Horses for Riding	3,299	2	1	413	13	0
Ditto .... Husbandry	2,249	9	0	209	12	0
Male Servants	1,601	10	0	158	4	0
4 Wheeled Carriages	1,967	5	7	748	0	0
2 ..... Ditto	708	16	10½	134	4	0
Dogs	790	13	0	128	14	0
Armorial Bearings	4,499	18	9¾	1,315	1	3
Horses for Husbandry 1801	-	-	-	6	0	0
Ditto .... Riding	13	7	7½	8	12	4½
Houses and Windows 1802	20,124	6	10	10,624	5	4¼
Inhabited Houses	10,162	9	7	5,787	16	2
Horses for Riding	17,572	14	10¾	6,063	18	4½
Ditto .... Husbandry	11,524	12	11½	15,238	13	7
Male Servants	8,186	3	9½	4,798	16	11½
4 Wheeled Carriages	11,864	4	8½	4,900	18	2
2 .... Ditto	4,026	11	10¼	1,714	8	8
Dogs	7,403	14	3	6,076	12	4
Houses and Windows 1804	1,903,054	14	9	1,483,189	5	9½
Inhabited Houses	671,320	7	1¾	625,088	8	11½
Horses for Riding	671,285	6	8	578,218	19	10¼
Ditto . and Mules	522,322	4	10½	402,370	12	4¼
Male Servants	351,720	7	5¾	303,791	15	0¾
Carriages	363,826	4	4½	317,109	10	4½
Dogs	134,290	13	11	110,118	19	1½

taken for Two Years, ending respectively 5th January 1808 *and 5th January* 1809.

		In the Years ended 5 Jan. 1808			5th Jan. 1809.		
		£.	s.	d.	£.	s.	d.
Hair Powder Certificates		55,980	19	10½	59,202	7	11
Horse Dealers' Licences		8,857	8	8	9,716	1	9½
Armorial Bearings		28,291	11	9½	34,200	5	0
Goods and Wares	1805	239,628	6	7½	272,099	3	3½
British Spirits	1806	-	-	-	497,540	0	0
£. 10 per Cent.		335,968	7	9	428,412	2	6¾
Assessed Taxes	1808	-	-	-	1,214,414	15	3½
Surplus of Duties Annually granted, after discharging £. 3,000,000 Exchequer Bills charged thereon.	Sugar and Malt	1,024,634	19	9½	511,493	5	5¼
	Malt	1,038,318	0	0	762,076	0	0
	Tobacco	263,553	0	0	162,470	0	0
		32,206,113	9	2¾	32,380,212	15	8¼
Duties granted to discharge £. 3,000,000 Exchequer Bills charged thereon.	Sugar and Malt	1,845,707	8	3	2,376,507	7	1¾
	Tobacco	180,447	0	0	298,591	0	0
	Malt	8,780	0	0	174,862	0	0
	6d. per £. on Pensions	-	-	-	26,000	0	0
	1s. Ditto .... Salaries	-	-	-	18,615	0	0
	Pensions, Offices, &c.	-	-	-	13,000	0	0
	£.	34,241,047	17	5¾	35,237,788	2	10

III.—ARREARS AND BALANCES.

HEADS AND TOTALS OF THESE ACCOUNTS.

		£.	s.	d.
Arrears due on the 5th January 1809, from the Officers of the Customs in England, &c.	Present Collectors	41,398	6	1
	Late Collectors	1,867	8	5½
Arrears due on ditto from the Officers of the Customs in Scotland, &c.	Late Collector	76	12	6½
	Present Collectors	29,828	11	4½
Arrears due on Ditto, from the Officers of Excise in England, &c.		46,223	10	6½
Arrears due on Ditto, from the Officers of Excise in Scotland, &c.		3,613	12	9
Arrears due on Ditto, from the Distributors of Stamps in Great Britain, &c.		47,807	4	6½
Balances in the Hands of the Distributors of Stamps in Great Britain, &c.		78,978	1	6
Arrears due on the 5th of January 1809, from the Receivers General of the Land and Assessed Taxes in Great Britain, &c.		395,468	7	7
Arrears due on the 5th January 1809, from the Officers of the Post Office in Great Britain, &c.	Irrecoverables	4,289	12	7¼
	Recoverables	3,494	1	9½
Balances in the Hands of the Deputy Postmasters in Great Britain, &c. 5th January 1809		82,661	19	9½
Balances due on the 5th January 1809, from the Receivers of the Land Revenue of the Crown for England, &c.		None.		
Balances due on Ditto from the Receivers of the Land Revenues of the Crown for Wales, &c.		None.		
Accounts delivered into the Office of the Comptrollers of the Accounts of the Army, &c.		(No Total given.)		

List of Officers and Departments whose Accounts are Audited by the Commissioners for Auditing the PUBLIC ACCOUNTS; *viz.*

Cashier of the Bank of England.
Commissioners for the Reduction of the National Debt.
Secretary to the said Commissioners.
Cashier of the South Sea Annuities.
Paymasters of Exchequer Bills.
Inspector of Tontine Certificates.
Cashier of Bank, Loans and Lotteries.
Secretary for Contingent Expences of Lottery.
Chamberlain of London, Orphans Fund.
Treasurer of the Navy.
Treasurer of the Ordnance.
Treasurer of Navy Bills funded.
Treasurer of Ordnance Bills funded.
Inspector of Roads in North Britain.
Paymaster General of the Army.
Agent to the Out-Pensioners of Chelsea Hospital.
Barrack, Commissioners of.
Paymaster of Widows Pensions.
Receiver General of the Customs .... Cash.
Comptroller General of the Customs .... General.
Commissioners for Licensing Hawkers & Pedlars.
Receiver General of Revenues arising by licensing Hackney Coaches and Chairs.
Receiver of the Customs, Isle of Man.
Receiver General of the Stamps .... Cash.
Comptroller General of the Stamps ... General.
Receiver General of the Post ..... Cash.
Comptroller General of the Post .... General.
Military Asylum Treasurer.
Military College Treasurer.
Receiver of the Civil List Deduction.
Receiver of the 12*d.* Deduction.
Receiver of the First Fruits of the Clergy.
Receiver of the Tenths of the Clergy.
Keeper or Clerk of the Hanaper.
Paymaster of American Pensions.
Paymaster of Allowances to Toulonese Emigrants.
Lord Chamberlain of the Household.
Master of the Robes.
Master of the Horse.
Master of the Mint.
Warden of the Mint.
Solicitor to the Treasury.
Comptroller and Cashier of the Stationary Office.
Surveyor of Somerset Place.
Agents for Cape Breton.—Bahama Islands.—New Brunswick.—Prince Edward Island.—Upper Canada.—Newfoundland.—Nova Scotia.—New South Wales.—Regimental Infirmaries.—Paying Allowances to retired and officiating Chaplains of the Army.—Volunteer Corps.

List of Persons Accountable before the Commissioners for Auditing the PUBLIC ACCOUNTS, *for Money imprested on Account of Extraordinary Services: viz.*

Barrack Masters General Abroad.
Deputy Barrack Masters General.
Contractors for Victualling His Majesty's Forces.
Contractors for remitting Money for Pay of Extras of the Forces.
Contractors for furnishing Camps with Bread, Wood, Straw, and Forage.
Commissaries General, Deputy Commissaries for the Purchase and Issues of Stores.
Commissaries of Accounts.
Engineers, for Monies received out of the Extraordinaries of the Forces.
Governors of Islands or Provinces, and Lieut. Governors thereof.
Commanders in Chief, for Contingencies.
Paymasters of Provincial Forces.
Purveyors of Hospitals.
Quarter Masters General, and Deputy Quarter Masters General.
Superintendants, &c. of Indian Affairs.
Secretaries to Governors.
Secretaries to Commanders in Chief.
Clerk of the House of Commons, for printing the Journals.
Military Canal, Paymasters of Works.

N. B.—Any Person to whom Money may be Imprested on Account for Extraordinary Services (not relating to the Navy or Ordnance) becomes a Public Accountant, and is compellable to pass an Account in this Office.

This Class also contains,

List of Accounts Delivered Over by the late Commissioners for Auditing the Public Accounts to The Commissioners appointed for the like Purpose under the 46th Geo. 3; and of the Accounts since received into the Audit Office, Somerset-Place, or since received into the Office of the said Commissioners, which have NEITHER been Audited, Stated, or Declared;—completed to the 5th of January 1809.

List of Accounts Delivered Over by the Late Commissioners for Auditing the Public Accounts to The Commissioners appointed for the like Purpose under the 46th Geo. 3; and of the Accounts since received into the Audit Office, Somerset-Place, or since received into the Office of the said Commissioners, which HAVE been either Stated or Declared; so far as any Balances appear to be now owing to, or from, the Public, upon any such Accounts;—completed to the 5th January 1809.

IV.—TRADE AND NAVIGATION OF GREAT BRITAIN.

Value of all IMPORTS *into, and all* EXPORTS *from* GREAT BRITAIN, *for Three Years, ending the 5th January* 1809.

	OFFICIAL VALUE of IMPORTS.		OFFICIAL VALUE of EXPORTS.	
	From Europe, Africa, and America.	From East Indies and China.	British Produce and Manufactures.	Foreign Merchandize.
	£.	£.	£.	£.
Year ending 5th Jan. 1807	25,089,136	3,746,771	27,402,685	9,124,499
1808	25,453,149	3,401,509	25,171,422	9,395,149
1809	23,784,516	*	26,692,288	7,863,207

Note—The Actual Value of British Produce and Manufactures Exported from Great Britain, agreeably to the Prices Current, and to the Declarations of the Exporters, was, in the Year ending the 5th January 1809..... £. 40,881,671.

* The Account of Imports from the East Indies and China cannot yet be given.

[The Appendixes state the specific Articles.]

Number of VESSELS, *with the Amount of their* TONNAGE, *which have been Annually Built and Registered in the several Ports of the* BRITISH *Empire, (except Ireland) between 5th Jan.* 1806 *and 5th Jan.* 1809.

	SHIPS.	TONS.
In the Year 1806	772	69,198
In the Year 1807, being the Account delivered last Year, and now corrected	770	68,000
In the Year 1808	542	52,146

Number of Vessels, with the Amount of their TONNAGE, *and the Number of* MEN *and* BOYS *usually employed in Navigating the same, which belonged to the several Ports of the* BRITISH *Empire, in the Years* 1806, 1807, *and* 1808.

	1806.			1807.			1808.		
	SHIPS.	TONS.	MEN.	SHIPS.	TONS.	MEN.	SHIPS.	TONS.	MEN.
England	14,877	1,786,692	118,089	15,087	1,797,182	119,631	15,327	1,833,971	119,881
Guernsey	108	10,193	1,351	106	9,927	993	110	10,856	1,061
Jersey	68	6,485	545	77	6,891	552	66	5,429	500
Man	398	9,568	2,298	390	9,373	2,259	381	9,237	2,216
Plantations	2,867	183,800	13,244	2,917	184,794	13,565	3,066	194,423	13,081
Scotland	2,788	211,431	15,415	2,615	216,553	15,658	2,592	211,950	15,042
Ireland	1,076	55,545	5,081	1,098	56,901	5,217	1,104	58,959	5,324
Total	22,182	2,263,714	156,021	22,290	2,281,621	157,875	22,646	2,324,819	157,105

Number of VESSELS *with the Amount of their* TONNAGE, *&c. which entered* INWARDS *and cleared* OUTWARDS, *in the several Ports of* GREAT BRITAIN, *from, or to, all Parts of the World, between the 5th January* 1806, *and the 5th January* 1809.

	INWARDS.						OUTWARDS.					
	BRITISH.			FOREIGN.			BRITISH.			FOREIGN.		
ENGLAND.	SHIPS.	TONS.	MEN.	SHIPS.	TONS.	MEN.	SHIPS.	TONS.	MEN.	SHIPS.	TONS.	MEN.
1806 .	9,456	1,239,528	72,777	3,358	551 103	27,798	9,789	1,258,903	78,596	3,249	538,700	27,900
1807 .	8,590	1,196,872	69,544	3,712	626,603	29,406	8,923	1,190,252	73,818	3,630	600,840	29,685
1808 .	8,969	1,109,090	69,060	1,831	270,862	14,851	9,430	1,153,409	74,369	1,821	272,104	15,116
SCOTLAND.												
1806 .	2,662	243,136	16,211	435	61,800	3,556	2,462	227,399	15,961	210	29,470	1,732
1807 .	2,623	239,795	15,453	375	53,541	3,082	2,504	233,871	15,902	216	31,070	1,726
1808 .	2,336	202,876	13,557	95	12,795	689	2,487	218,852	15,232	71	10,041	555

V.—PUBLIC EXPENDITURE.

	£. s. d.	£. s. d.	£. s. d.
I. Interest, &c. on the Permanent Debt of Great Britain, unredeemed, App. (A.)	- - -	20,771,871 13 8½	
Charges of Management	- - -	210,549 2 7	
Reduction of the National Debt	- - -	10,188,606 16 6	
			31,171,027 12 9½
II. Interest on Exchequer Bills, (B.)	- - -	- - -	1,610,562 16 10½
III. The Civil List, (C.)	- - -	958,000 0 0	
IV. Other Charges on the Consolidated Fund, viz. Courts of Justice	- - -	57,595 8 8	
Mint	- - -	14,303 12 6	
Allow. to Roy. Fam.	- - -	303,705 13 11	
Sals. & Allowances	- - -	67,516 16 0	
Bounties	- - -	237,555 12 1	
			1,638,677 3 2
V. Civil Government of Scotland, (D.)	- - -	- - -	85,470 4 1
VI. Other Payments in Anticipation, (E.)			
Bounties for Fisheries, Manufactures, Corn, &c.	- - -	470,502 0 2½	
Pensions on the Hereditary Revenue	- - -	27,700 0 0	
Militia, and Deserters Warrants, &c.	- - -	289,060 2 9½	
			787,262 3 —
VII. Navy, (F.) Wages of Officers & Seamen	2,320,000 0 0		
Half Pay to Sea Officers and Bounty to Chaplains	248,000 0 0		
Wages to his Majesty's Dock and Rope Yards	1,038,600 0 0		
General Services.—Building of Ships, Purchase of Stores of every description, Repairing Ships, Purchase of Ships taken from the Enemy, Head Money, &c.	3,820,241 8 3		
Bills of Exchange, Imprests, Salaries, Pensions, Flag-pay, Marines, &c.	1,821,000 0 0		
		9,247,841 8 3	
The Victualling Department	- - -	5,313,901 2 6	
Transport do. for Transports, Prisoners of War, and Sick & Wounded Seamen	2,628,149 17 5		
Miscellaneous Services	278,000 0 0		
		2,906,149 17 5	
			17,467,892 8 2
VIII. Ordnance, (G.)	- - -	- - -	5,108,900 3 2
IX. Army, (H.)—Ordinary Services, viz.			
For Regulars, Fencibles, Militia, Invalids, and Volunteer Corps	10,119,471 15 9		
Barracks	285,085 13 3		
Staff Officers & Offic. of Garrisons	131,818 19 2		
Half-pay	198,247 4 4		
Widows Pensions	35,703 0 0		
Chelsea Hospital	394,596 4 5		
Exchequer Fees	91,128 2 1		
Pay of Public Offices	97,248 13 10		
		11,353,299 12 10	
Extraordinary Services (including the Remittances to Spain and Portugal)	- - -	5,847,762 2 11	
			17,201,061 15 9
X. Loans, Remittances, and Advances to other Countries, (I.)—viz.			
Ireland	- - -	2,589,166 13 4	
Sweden	- - -	1,100,000 0 0	
Sicily	- - -	300,000 0 0	
			3,989,166 13 4
XI. Micellaneous Services: (K.)			
At Home	- - -	2,682,230 18 0¾	
Abroad	- - -	237,260 10 2½	
			2,920,491 8 3¼
			81,980,512 8 6¾
Deduct Loan, &c. for Ireland	- - -	- - -	2,589,166 13 4
This includes the Sum of £. 434,118. 15. 0. for Interest paid on Imperial Loans.			£. 79,391,345 15 2¾

N.B.
The Items under each head are stated in the Appendixes A, B, &c. above referred to—which follow.

APPENDIX (—A. 1.) *Monies paid out of the Exchequer in the Year ended 5th Jan.* 1809, *towards the Charges of the* PUBLIC DEBT *of Great Britain, Ireland, and Imperial Loans.*

	INTEREST. £.	s.	d.	Annuities for Lives and for Terms of Years. £.	s.	d.	Charges of Management. £.	s.	d.
Permanent Funded Debt of Great Britain	17,716,136	6	5	1,197,170	1	0½	191,767	14	2
Loans raised for the Service of Ireland	1,337,143	9	6	91,208	6	8	14,576	3	6
Imperial Loans	199,913	10	1	230,000	0	0	4,205	4	11
	19,253,493	6	0	1,518,378	7	8½	210,549	2	7
							1,518,378	7	8½
							19,253,493	6	0
						£.	20,982,420	16	3½
Towards the Redemption of the Public Debt; viz.				£.	s.	d.			
Annual Issue per Act 26 Geo. III.				1,000,000	0	0			
Ditto ..... 42 Do.				200,000	0	0			
Annuities for Terms of Years expired prior to 5th July 1802				79,880	14	6			
Ditto .... for Lives on which the Nominees are certified to have died prior to 5th July 1802, or that have been Unclaimed for 3 Years				49,786	18	1			
Interest on Debt of Great Britain redeemed				4,014,254	3	2			
Ditto ..... Ireland .....do				145,832	4	7			
Ditto ..... Imperial ..... do				25,165	9	11			
£. 1 per cent. on Part of Capitals created since 5th Jan. 1793				3,524,811	12	0½			
Part of the annual Appropriation				625,261	11	2½			
£. 1 per cent. on Capitals created by Loans for Ireland				486,921	3	0			
Ditto Imperial Loans				36,693	0	0			
							10,188,606	16	6
						£	31,171,027	12	9½

APPENDIX (A. 2.)—*Total Amount of the Sums actually received by the* COMMISSIONERS *for the Reduction of the* NATIONAL DEBT, *in the Year ending 5th Jan.* 1809.

GREAT BRITAIN.	£.	s.	d.	£.	s.	d.
Annual Issue, 26 Geo. 3. c. 31	1,000,000	0	0			
Ditto additional ditto 42 Geo. 3. c. 71	200,000	0	0			
Exchequer Anns. for 99 and 96 Years expired 1792	54,880	14	6			
Short Anns. 1777, expired 1787	25,000	0	0			
Anns. on Lives expired prior to 5th July 1802	21,111	16	1			
Anns. on Lives unclaimed for 3 Years before 5th Jan. 1808	28,675	2	0			
£.1 per cent. per ann. on part of Capitals created by Loans raised from 1793 to 1808 both inclusive	3,524,811	12	0½			
Interest on Capitals purchased by the Commrs. at £.3 per cent.	3,872,690	1	10			
..... Ditto ..... £.4 per cent.	104,696	0	0			
..... Ditto ..... £.5 per cent.	7,100	0	0			
				8,838,965	6	5½
Annual Appropriation towards the Redemption of £ 12,000,000 part of £14,200,000 Loan 1807	625,261	11	2½			
Interest, &c. on Capital purchased by the Commissioners on account of said Loan	29,768	1	4			
				655,029	12	6½
IRELAND.						
£.1 per cent. per ann. on Capitals created by Loans raised from 1797 to 1808, both inclusive	486,921	3	0			
Interest on Capitals purchased by the Commissioners at £.3 per cent.	145,832	4	7			
				632,753	7	7
IMPERIAL.						
£.1 per cent. per ann. on Capital created by Loan 1797	36,693	0	0			
Interest on Capitals purchased by the Commissioners at £.3 per cent.	25,165	9	11			
				61,858	9	11
				£.	10,188,606	16	6

APPENDIX (B.) will be found in page xxii.

APPENDIX (C)—*Charges upon the* CONSOLIDATED FUND, *in the Year ended 5th Jan.* 1809; *exclusive of the Interest of the* PUBLIC DEBT, *and of the Payments upon* EXCHEQUER BILLS.

	£.	s.	d.
CIVIL LIST.			
For his Majesty's Household	898,000	0	0
Ditto per 44 Geo. 3.	60,000	0	0
COURTS OF JUSTICE.			
Judges of England and Wales....	18,623	0	1¾
A. Graham, Esq. Inspector of the temporary places of confinement of Felons previous to transportation.....	350	0	0
P. Colquhoun, Esq. Receiver of Thames Police	6,884	19	1
John Baldwin, Esq. Receiver of the Seven Public Offices	16,843	17	1½
H. M. Dyer, Esq. Chief Justice of the Admiralty Court, Bahama, per Act 45 Geo. 3, ...	2,000	0	0
John Sewell, Esq. do Malta	2,000	0	0
W. Tertit, Esq. do. Bermudas .	2,000	0	0
Alex. Croke, Esq. do Nova Scotia	2,000	0	0
H. I. Hinchliffe, Esq. do. Jamaica	2,000	0	0
John Bedford, Esq. do. Barbadoes	893	12	4
Sheriffs of England and Wales....	4,000	0	0
MINT.			
Master of, in England	10,350	0	0
Thomas Morrison, Esq. Receiver of Fees and Emoluments in the Office of the Mint, in the Tower of London, per Act 39 Geo. 3.	2,753	12	6
Master of, in Scotland	1,200	0	0
SALARIES & ALLOWANCES.			
The Rt. hon. C. Abbott, Speaker of the House of Commons, to complete his Allowance of £6,000 per annum	1,783	3	0
Marquis of Bute, late one of the Auditors of the Imprest	7,000	0	0
P. Deare, Esq. late Deputy do.	300	0	0
E. Roberts, Esq. on the yearly sum of £ 650, formerly paid to the Auditor of the Exchequer	650	0	0
Commissioners for auditing Public Accounts	12,300	0	0
Salaries and Contingences in the Office for Auditing the Public Accounts	34,518	19	4
Commissioners for Auditing the West India Accounts	3,500	0	0
Salaries and Contingences in the Office of the said Commissioners	5,458	16	8
Inspector of Tontine Certificates	800	0	0
Chief Cashier of the Bank of England, for Fees paid at sundry Public Offices	925	17	0
Do. .... of South Sea Co. for do.	280	0	0
PENSIONS.			
His R. H. the Prince of Wales	65,000	0	0
Ditto the Duke of York	14,000	0	0
Ditto .....Clarence	12,000	0	0
Ditto .....Ditto	6,000	0	0
Ditto .....Kent	12,000	0	0
Ditto .....Ditto	6,000	0	0
His R. H. the Duke of Cumberland	12,000	0	0
Ditto .....Ditto	6,000	0	0
Ditto .....Sussex	12,000	0	0
Ditto .....Ditto	6,000	0	0
Ditto .....Cambridge	12,000	0	0
Ditto .....Ditto	6,000	0	0
Princess Charlotte of Wales	7,000	0	0
Duchess of York	4,000	0	0
Duke of Gloucester	14 000	0	0
Princess Sophia of Gloucester....	7,000	0	0
Duchess of Brunswick	7,500	0	0
Arthur Onslow, Esq.	3,000	0	0
Earl of Chatham.....	4,000	0	0
Lord Heathfield.....	1,500	0	0
Lord Rodney	2,000	0	0
Ditto	923	1	6
Lady Dorchester	1,000	0	0
John Penn, Esq.....	3,000	0	0
Richard Penn, Esq.	1,000	0	0
Earl St. Vincent.....	2,000	0	0
Vicount Duncan	2,000	0	0
Duke of Richmond	12,666	13	4
Sir Beaumont Hotham, knt.	2,000	0	0
Lord Erskine	4,000	0	0
Sir Sidney Smith	1,000	0	0
Baroness Abercromby	2,000	0	0
Lord Hutchinson	2,000	0	0
Sir James Saumarez, Bart.....	1,200	0	0
Duke of Portland, et al. in trust for the House of Orange	16,000	0	0
Lord Boringdon, et al in trust for Lord Amherst and others	3,000	0	0
Duke of Athol	3,686	9	4¾
Earl Nelson.....	5,000	0	0
Lady Nelson	2,000	0	0
Sir Richard Strachan, Bart.	1,000	0	0
Lord Collingwood	2,000	0	0
Sir J. T. Duckworth, knt.	1,000	0	0
Duke of Grafton	4,580	0	0
Sir John Stuart, knt.	1,000	0	0
Lord Lake	10,649	9	8¾
BOUNTIES, &c.			
For the Encouragement of the Growth of Hemp and Flax	2,956	13	8
Commissioners for Compensations for Loss sustained under the Act for the Improvement of the Port of London	196,916	9	8
Salaries and Contingences in the Office of Ditto	6,000	0	0
Fishmongers Company, for Rent of Porters Quay	621	3	0
John Millard, Esq. for Rent of Smart's Quay	352	12	0
Commissioners of Northern Lighthouses	10,000	0	0
For the better Improvement of the Port of London, in full of £.24,000, per Act 47 Geo. 3.	4,000	0	0
Directors of the West India Dock Company, in full of 30,000*l.*	15,000	0	0
A Repayment to Messrs. Puget and Bainbridge	1,208	13	9
Governors of Queen Anne's Bounty, per Act 44 Geo. 3.	500	0	0
£.	1,638,677	3	2

APPENDIX (B.)—*Interest paid on* EXCHEQUER BILLS, *from the 5th Jan.* 1808 *to the 5th Jan.* 1809.

	£.	s.	d.
Interest on Personal Estates, 1807	6,273	3	0
Ditto Malt Tax 1806	9,068	2	4
Ditto ditto 1807	44,240	10	5
Ditto Aids 1807	656,081	15	10
Ditto Supply 1807	558,176	6	9
Ditto Vote of Credit 1807	171,722	18	6
Ditto Supply 1808	90,000	0	0
Ditto ditto	75,000	0	0
	£ 1,610,562	16	10

APPENDIX (D.)—*A List of all such Sum and Sums of Money as have been incurred, and become due upon His Majesty's Establishment for* CIVIL AFFAIRS *within* SCOTLAND, *bearing Date the* 19*th Day of June* 1761, *for one Year; from* 5*th Jan.* 1808 *inclusive, to* 5*th Jan.* 1809 *exclusive* ..... £.85,470 4 1

APPENDIX (E. 1.)—*Amount of* BOUNTIES *paid in England and Scotland out of the Revenues of Customs and Excise, between the* 5*th Jan.* 1808 *and the* 5*th Jan.* 1809; *being Payments in the nature of Anticipations of Exchequer Issues.*

	ENGLAND.			SCOTLAND.			GREAT BRITAIN.		
CUSTOMS.	£.	s.	d.	£.	s.	d.	£.	s.	d.
Bounties on Cotton and Linen Manufactures, &c.	376,030	10	11¾	77,005	12	5¼	453,036	3	5½
.....British and Southern Whale Fishery.									
.....Newfoundland and White Herring do									
EXCISE.									
Bounties on British Spirits									
..... on Fish									
Buss and Barrel Bounties, certified on the Excise, for Deficiency of Money in the hands of the Receiver General of the Customs.	8,019	2	2¾	9,446	14	6¼	17,465	16	9
£.	384,049	13	2½	86,452	7	0	470,502	2	0½

APPENDIX (E. 2.)—POST OFFICE.—*Pensions and Parliamentary* GRANTS, *for the Year ended* 5*th Jan.* 1809.

His Grace the Duke of Marlborough	£.5,000
His Grace the Duke of Grafton	4,700
To the Heirs of the late Duke of Schomberg	4,000
	£.13,700

APPENDIX (E. 3.)—EXCISE.—*An Account, shewing how the* PUBLIC MONIES *remaining in the Receipt of the Exchequer on the* 5*th Jan.* 1808, *together with the Monies paid into the same during the Year ending* 5*th Jan.* 1809, *and the Monies paid out of the Net Produce of the Revenues of the said Year in Anticipation of the Exchequer Receipt, have been actually applied; so far as regards the Receipt of the Excise in England, and can be ascertained at the Excise Office.*

PENSIONS, viz.	£.	s.	d.
Duke of Grafton	9,000	0	0
Earl Cowper	2,000	0	0
Charles Boone, Esq. Moiety of the Earl of Bath's	1,500	0	0
Lord Melbourne's .... Ditto	1,500	0	0
	£.14,000	0	0

APPENDIX (E. 4.)—*Sums advanced by Receivers General of Land and Assessed Taxes, on Account of* MILITIA, *and* DESERTERS WARRANTS, *and other Disbursements under various Acts of Parliament; between the 5th Jan.* 1808 *and the 5th Jan* 1809.

	ENGLAND & WALES.			SCOTLAND.			TOTAL.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.
Militia and Deserters Warrants	70,760	2	6	13,877	13	4¾	84,637	15	10¼
Volunteers	115,829	10	0	36,967	10	11½	152,797	0	11½
Defence Acts	9,330	2	7	527	8	8	9,857	11	3
Army of Reserve	24,960	0	0¾	17,067	4	7½	41,757	4	8¼
Population Act	-	-	-	10	10	0	10	10	0
£.	220,609	15	1¾	68,450	7	7¾	289,060	2	9½

APPENDIX (F.)—*Monies received from His Majesty's Exchequer, for* NAVAL SERVICES, *between the 5th Jan.* 1808 *and the 5th Jan.* 1809.

HEADS OF SERVICE.	SUM.			TOTAL.		
NAVY.						
WAGES.	£.	s.	d.	£.	s.	d.
Wages of Officers and Seamen	2,320,000	0	0			
Half Pay to Sea Officers, and Bounty to Chaplains	248,000	0	0			
Wages to His Majesty's Dock and Rope Yards	1,038,600	0	0			
GENERAL SERVICES.						
Building of Ships, purchase of Stores of every Description, repairing Ships, purchase of Ships taken from the Enemy, Head Money, &c. paid in Bills at Ninety Days Date	3,820,241	8	3			
Bills of Exchange, Imprest, Salaries, Pensions, Flag Pay, Marines, &c.	1,821,000	0	0			
				9,247,841	8	3
VICTUALLING.						
Provisions, and all sorts of Victualling Stores, Paid for in Bills at Ninety Days Date	4,126,539	3	10			
Wages to the Yards	112,400	0	0			
Bills of Exchange and Imprests	922,000	0	0			
Necessary Money, Extra-necessary Money, and Contingences	118,000	0	0			
Widows Pensions	34,961	18	8			
				5,313,901	2	6
TRANSPORTS.						
Freight of Transports, Maintenance of Prisoners of War, and Expence of Sick and Wounded Seamen, paid for in Bills at Ninety Days Date	2,628,149	17	5			
Bills of Exchange, and all Services paid for in Ready Money	278,000	0	0			
				2,906,149	17	5
			£	17,467,892	8	2

APPENDIX (G.)—*Monies paid by the Office of* ORDNANCE, *in the Year* 1808, *for Services at Home and Abroad respectively.*

	£.	s.	d.
For Services at Home	4,733,626	5	7
For Services Abroad	375,273	17	7
£.	5,108,900	3	2

APPENDIX (H.)—*Monies paid by the Right Honourable the Paymasters General of his Majesty's* FORCES, *from 25th December 1807, to 24th December 1808.*

		£.	s.	d.
PAY and Allowances of the Forces, Captains Allowances, Off-reckonings, Recruiting, Contingences, Bills, and Clothing		9,451,867	4	4
Volunteers		667,604	11	5
Exchequer Fees		91,128	2	1
Pay of Offices		97,248	13	10
Barracks		285,085	13	3
Staff and Garrisons		131,818	19	2
Half Pay		198,247	4	4
Compassionate List		11,703	0	0
Widows Pensions		24,000	0	0
Chelsea Hospital		394,596	4	5
Extraordinaries		5,847,762	2	11
Sicilian Subsidy	*1,400,000	300,000	0	0
Swedish Subsidy		1,100,000	0	0
		£.18,601,061	15	9
* Deduct the Amount of the Sicilian and Swedish Subsidies, which is inserted in the Account under the Head of Loans, &c. in Appendix (I.)		1,400,000	0	0
		£.17,201,061	15	9

APPENDIX (I.)—*An Account of* LOANS, REMITTANCES *and* ADVANCES, *to other Countries, in the Year ending the 5th Day of Jan.* 1809.

				£.	s.	d.
There was remitted out of Supplies 1807,8, to that part of the United Kingdom called Ireland, viz.						
Out of Loan Anno 1808 per Act 48 Geo 3. cap. 76, £.2,500,000	2,475,000	0	0			
Out of Lotteries Anno 1807 per Act 47 Geo. 3. cap. 9	114,166	13	4			
				2,589,166	13	4
There was also issued out of Supplies 1808, viz.						
To enable His Majesty to fulfil His Engagements with the King of Sweden	1,100,000	0	0			
Ditto ..... with his Sicilian Majesty	300,000	0	0			
				1,400,000	0	0
				£. 3,989,166	13	4

APPENDIX (K.)—*An Account, shewing how the Monies remaining in the Receipt of the* EXCHEQUER *on the 5th Day of Jan.* 1808, *together with the Monies paid into the same during the Year ended the 5th of Jan.* 1809, *have been actually applied; so far as relates to* MISCELLANEOUS SERVICES.

SERVICES AT HOME.	£.	s.	d.
To be distributed to the Officers, Seamen and Marines on board the Fleet under the command of Samuel Lord Viscount Hood, Admiral of the White Squadron of His Majesty's Fleet, to complete £.265,336 14 10½ being the estimated Value of the Ships and Vessels taken possession of and armed for His Majesty's Service at Toulon, together with their Ordnance and Ordnance Stores, 1804	15,336	14	10½
For the Royal College of Surgeons, to erect a Building for the reception of Dr. Hunter's Collection, and a Theatre for the delivery of Public Lectures on Anatomy and Surgery, 1806	8,000	0	0
To be paid to Sheriffs for Conviction of Felons and Overpayments 1806,7	6,600	0	0
For printing 1,750 Copies of the 59th Volume of Journals of the House of Commons 1807	3,191	19	0
For defraying the Charge of the Works and Repairs of the Roads and Bridges in the Highlands of Scotland 1807	10,250	14	0
For re-printing Journals, Indexes, and Reports of the House of Commons 1807	9,547	14	7
To the Bank of England for Discount on Prompt Payments on second and third Lotteries 1807	1,441	14	1
To ..... Do..... for receiving Contributions to Do. 1807	2,000	0	0
To ..... Do..... for Discount on Prompt Payments on Loan £.14,200,000 1807	79,526	12	3
To ..... Do..... for receiving the above Loan 1807	11,442	4	10
To ..... Do..... for Discount on Prompt Payments on Loan £.1,500,000 1807	30,201	13	8

To .....Do..... for receiving the above Loan 1807	1,208	13	9
For Incidental Expences attending the execution of an Act for the Redemption and Sale of the Land Tax 1807	1,669	9	1
For defraying the Charge of the Royal Military College 1807,8	17,933	16	4
Do ..... Royal Military Asylum do	26,227	8	4
To pay off and Discharge certain Annuities after the Rate of 5 per cent. per ann., granted per Acts 37 and 42 Geo. 3, 1808	153,696	18	9
For paying the Fees on passing the Public Accounts 1808	5,000	0	0
For defraying the Expence of the Public Office, Bow Street 1807,8	11,583	0	2½
For defraying the Charge of the Superintendance of Aliens ditto	6,853	0	0
For the Deficiency of the Grant of 1807, for printing and delivering the Votes of the House of Commons, and for printing Bills, Reports, &c. 1808.....	4,696	19	0
For the Relief of the suffering Clergy and Laity of France, Toulonese, Dutch and Corsican Emigrants, Saint Domingo Sufferers and American Loyalists 1807,8	164,801	11	6
For the Deficiency of the Grant, Anno 1807 for do 1808	2,837	5	7
For carrying on the Works &c. of the Royal Military Canal 1808.....	25,000	0	0
For confining, maintaining and employing Convicts at Home 1807,8	50,970	7	11¼
For defraying Bills of the Usher of the Court of Exchequer, for supplying the Court and Officers with Stationary, &c. 1807,8	2,048	18	7
For Printing and Stationary for the Two Houses of Parliament 1807,8	29,907	1	3
For the Deficiency of the Grant, Anno 1807 for ditto 1808.....	5,016	6	1
For Printing, by Order of the Commissioners of Public Records 1808	4,459	14	3
For printing and delivering the Votes of the House of Commons, and for Printing Bills, Reports, &c. 1807,8	5,951	0	1
For printing 1,250 Copies of the 55th Vol. of Journals of the House of Peers 1808....	1,369	0	4
For erecting Buildings for a Naval Asylum, and towards the maintenance of the said Institution 1808.....	30,000	0	0
For defraying Law Charges 1807,8	20,000	0	0
For purchasing Buildings and Ground in and near Palace Yard, Westminster 1808..	100,318	17	3
For carrying on the building of a New Mint 1807,8	63,742	17	0
For Salaries and Allowances to the Officers of the House of Lords and Commons, and Serjeants at Arms 1808	1,913	12	4
For Bounties for taking and bringing of Fish to the Cities London and Westminster 1808	3,500	0	0
For the Expence of making an Inland Navigation from the Eastern to the Western Sea 1807,8	51,250	14	0
For the extra Contingences in the Three Secretaries of States Offices 1806,7,8	14,000	0	0
Ditto .... Messengers ..... do 1807,8	9,500	0	0
For defraying the Extraordinary Expences of Prosecutions relating to the Coin of this Kingdom 1807,8	2,908	6	4
For the Ministers of the Vaudois Churches, et al. 1807,8	1,923	5	4
For the Board of Agriculture 1807,8	6,000	0	0
Towards the Support of an Institution called the Veterinary College 1807,8	2,200	0	0
To the East India Company, for defraying the Expences incurred by them in the Public Service 1808.....	1,500,000	0	0
To the Commissioners appointed per Act 43 Geo 3, for distributing Money stipulated to be paid by the United States of America, as a Compensation for their Trouble in the execution of the said Act 1808.....	14,000	0	0
To the Commissioners of Military Enquiry 1808	20,726	14	3
To the Trustees of the British Museum, 1808	6,790	0	10
Towards repairing Margate Harbour 1808	5,000	0	0
For the Protestant Dissenting Ministers in England, and for the relief of the Poor French Protestant Clergy and Laity 1807,8	9,902	16	0
To discharge the Annuity to the late Duchess of Gloucester to the day of her Death 1808	494	0	0
To make Compensation to P. Martin, Esq for loss of Property in Virginia 1808	20,000	0	0
For Works and Repairs of the Military Roads in North Britain 1808	6,093	0	0
For Salaries and Expences of the American Commissioners 1801	2,650	0	0
For Salaries to the Officers, and Incidental Expences of the Commissioners for reducing the National Debt 1807,8	2,500	0	0
For the Purchase of the Office of the said Commissioners 1808	718	9	0
To the Lottery Commissioners, for incidental Expences in preparing and drawing the Lotteries 1807,8.....	13,000	0	0
For His Majesty's Foreign and other Secret Services	Vide Services Abroad.		

To replace to His Majesty's Civil List Revenues, the Sums issued thereout, pursuant to Addresses of the House of Commons, viz.

For Rewards to Persons employed under the Commissioners for carrying into execution the measures recommended by the H of C. respecting the Public Records	3,400	3	7
To Edward Colman, Esq. late Serjeant at Arms, on his Pension for one year and one Quarter, ended 10th October 1807	625	0	0
To Isaac Dubois, Esq. for the Services rendered by him and his Family, and the great Losses he sustained as an American Loyalist	5,265	19	0
To Philip Martin, Esq. in part Compensation for loss sustained in Virginia, as Representative of the late Lord Fairfax	5,265	19	0

To J. Dyson, Esq. Clerk Assistant of the House of Commons, to make his Allowance equal to £.2,000 for his Services in Session 1806,7 and 1807	964	6	4
To George Whittam, Esq. for making and printing Indexes to the Votes of the House of Commons, in Session 1806,7 and 1807	620	0	0
To John Henry Ley, Esq. Second Clerk Assistant of the House of Commons, for his Services in Session 1806-7 and 1807	1,622	19	0
To Thomas Edlyne Tomlins, Esq. for his trouble in compiling Registers for the use of the Committee on Expired and Expiring Laws	224	11	0
To Beniamin Hobhouse, Esq. for his Services as Chairman of the Committee of Ways and Means, in Session 1806,7 and 1807	1,300	5	0
To J. Bacon, Statuary, for the first Payment for erecting a Monument to the memory of the late Capt. Geo. Duff	561	10	0
To John Flaxman, Statuary, ... for do .... do Lord Nelson	2,217	5	0
....Richard Westmacott the younger, do .... do Capt. John Cooke	561	10	0
....Charles Rossi ..... do .... do Marquis Cornwallis	2,217	5	0
To Richard Westmacott the younger, do. in the Collegiate Church of St. Peter, Westminster, to the memory of the right hon. William Pitt	2,217	5	0
To the Deputy Serjeant at Arms of the House of Commons	224	11	0
To make good to His Majesty's Civil List Revenues Monies issued thereout for Public Services, viz.			
For defraying the Expences of a Plan for the more perfect Security of the Shipping in the Port of London	1,299	4	0
For Mathematical Instruments for New South Wales	19	12	0
To William Hiort, Esq. Resident Clerk of the Board of Works	3,500	0	0
To W. Chinnery, Esq. to be paid to H. Hodgson and Andrew Dickie, Esqrs. for their Services under the Commissioners for investigating the Debts of the Prince of Wales	548	11	0
To do. to discharge sundry Claims for Bounties on British American Fish, imported into the West India Islands	5,597	6	0
To do. to discharge a Bill drawn by the Collector and Comptroller of the Customs of St. Vincent's, for Bounty on Fish	166	17	6
To do. to discharge the Account of Luke Hansard and Sons, for printing Tables of the Finance Plan, proposed to Parliament in 1807	1,325	5	6
To do. to pay Bills drawn on account of New South Wales in 1808	2,175	3	0
For defraying the Expence of a Horse Patrol near the Metropolis	6,345	16	0
To J. Clementson, Esq. for Rent in lieu of Apartments resigned	219	14	0
To Dr. Clarke, for his Trouble and Attendance relative to act for enforcing the Residence of the Clergy	556	13	0
To T. Brodie, Esq. for making an Index to the Journals of the House of Peers	547	8	0
To William Watson, Esq. Serjeant at Arms to the House of Lords	1,623	0	0
To Lord Walsingham, Chairman of the Committees of the House of Lords	2,698	13	0
To Dr. Clarke, for preparing Returns to Parliament respecting Non-Residence	127	9	6
To Peter Grant, Esq. Secretary to the Commissioners of Military Enquiry	1,560	16	0
To J. T. Groves, Esq. to be paid to Mr. Stanton, for Removal of Monuments	661	9	0
To Isaac Dubois, Esq for Reimbursement of Fees on a Warrant for £.5,000 for Losses and Service as an American Loyalist	82	11	6
For Stationary sent to New South Wales	344	14	7
To T. Nettleship, Esq. for publishing the Average Price of Brown Sugar	424	17	0
To Allison Anderson Park, wife of Mungo Park, Esq. engaged in an Expedition of Discovery, to explore the interior of Africa	3,236	10	0
To T. Anderson, Father of Alex. Anderson, Esq. engaged with Mungo Park, Esq. in the said Expedition to Africa	1,085	4	0
To Sir Samuel Hood, K. B. in full Satisfaction of Arrears of Salary as one of the Commissioners for the Affairs of Trinidad, on £.2,000 per Ann	5,134	4	11
To the Representatives of Col. W. Fullarton, in full of do. on £.3,000 per Ann	6,702	18	2½
To Col. Rutherford, for Arrears of Salary as Surveyor General of Trinidad	2,311	12	10
To Officers of the House of Commons, for attendance on Committees	366	18	0
To E. Stracey, Esq. as Counsel to the Chairman of the Committees of the H. of Peers	762	10	0
SERVICES ABROAD.			
For His Majesty's Foreign and other Secret Services, 1807,8	124,620	2	3
To pay Bills drawn from New South Wales 1808	23,270	0	0
For the Civil Establishment of Sierra Leone ..... do	16,310	0	0
New South Wales .. do	11,165	6	3
Dominica 1806,7,8	1,463	16	8½
Bermuda 1807,8	580	0	0
Newfoundland 1807	1,865	0	0
Cape Breton 1808	2,060	0	0
Prince Edward's Island do	2,100	0	0
Nova Scotia 1807,8	11,896	5	0
New Brunswick 1808	5,500	0	0
Upper Canada .... do	8,430	0	0
For repairing and maintaining British Forts and Settlements on the Coast of Africa 1808	23,000	0	0
To the Levant Company ..... do	5,000	0	0
	£.2,920,491	8	3½

VI.—PUBLIC FUNDED DEBT.

PUBLIC FUNDED DEBT OF GREAT BRITAIN, *as the same stood on the* 1*st of February* 1809.

TOTAL DEBT UNREDEEMED.	£.	s.	d.
Bank of England, and Annuities 1726 .... At 3 per cent.	12,686,800	0	0
South Sea Old and New Annuities, 1751.....Ditto	17,922,684	13	11¼
Consolidated Annuities .....Do.	352,611,852	15	4¼
Reduced Annuities .....Do.	93,085,620	5	2
Consolidated Annuities ..... At 4 per cent.	58,075,639	17	2
Consolidated Annuities ..... At 5 per cent.	50,534,095	19	4
Annuities, 1797 and 1802 .....Do.	1,916,246	18	0
Total CAPITALS	586,833,060	8	11¼
Annual Interest	19,234,757	5	3¼
Annuities for Lives, or for Terms of Years.....	1,434,274	12	5¼
Charges of Management	221,833	12	3¼
Annuities fallen in or dead, and 1 per cent. on Annual Grants, ...	10,617,099	11	7¼
Total CHARGE for DEBT payable in GREAT BRITAIN	31,507,965	1	9

Progress made in the Redemption of the PUBLIC DEBT *of* IRELAND, *Funded in* GREAT BRITAIN, *at* 1*st February* 1809.

FUNDS.	CAPITALS.	Redeemed by the Commissioners at 1st Feb. 1809.	TOTAL SUMS paid.	Average Price of Stocks.	SUMS applicable to the Reduction of the DEBT.	
	£.	£.	£. s. d.			
Consolidated 3per cent. Ann	30,238,875	2,682,380	1,663,333 4 6	62	Annuity of 1 per cent. on Capital created	509,078 19 3
Reduced do	16,028,750	2,898,009	1,780,774 7 5	61½		
Consolidated 4per cent. do	3,254,375				Dividend on £.5,580,389 3 per cent. Annuities ..	167,411 13 4
Do 5 per cent do .	572,000					
	50,094,000	5,580,389	3,444,107 11 11	61¾		676,490 12 7
Redeemed by the Commissioners	5,580,389					
DEBT Unredeemed 1st. Feb. 1809	44,513,611				Bank Long Annuities which will expire 5th July 1860....	91,208 6 8

Progress in the Redemption of the IMPERIAT DEBT, *at* 1*st February* 1809.

	£.	£.	£. s. d.			£. s. d.
Imperial 3 per cent. Annuities	7,502,633	924,236	547,025 10 10	59⅛	1 per cent. on Capital created	36,693 0 0
Redeemed by the Commissioners	924,236				Dividend on £ 924,236, 3 per cent. Annuities ..	27,727 1 7
Unredeemed 1st February 1809.	6,578,397					64,420 1 7
					Bank Long Annuities which will expire 5th July 1819....	230,000 0 0

An Account of the Progress made in the REDEMPTION *of the* PUBLIC FUNDED DEBT *of* GREAT BRITAIN, *at First of February* 1809.

FUNDS.	CAPITALS. £.	s.	d.	Redeemed by the Commissioners from 1st August 1786 to 1st Feb. 1809. £.	TOTAL SUMS Paid. £.	s.	d.	Average Price of Stocks.
Consol. 3 per Cent Anns.	384,336,558	4	5½	60,227,402	37,182,908	7	9	61½
....Do. pro 1807	8,400,000	0	0	742,218	479,876	19	8	64⅛
Reduced 3 per Cent. Ann. .	150,284,044	7	10	67,346,631	41,181,112	7	8	61¼
....Do. pro 1807	8,400,000	0	0	992,165	647,075	15	8	65¼
Old South Sea Annuities. } New .... Do ..... }	24,065,084	13	11½	{ 4,116,000 / 3,148,000	2,890,151 / 2,222,000	8 / 1	9 / 9	70½ / 70⅛
3 per Cent. .... Do. 1751 .	1,919,600	0	0	798,000	577,035	10	0	72⅜
Consol. 4 per Cent. Ann. ..	59,116,984	17	2	4,295,700	3,652,713	1	3	85¼
.. Do. . 5 per Cent Do	48,832,095	19	4	142,000	126,998	7	6	89⅝
.. Do. pro 1807	1,272,000	0	0	—	—			
5 per Cent. Annuities 1797 & 1802	1,916,346	18	0	—	—			
3 per Cent..... Do. 1726 ..	1,000,000	0	0	—	—			
....Do.....Bank Ann.	11,686,800	0	0	—	—			
£.	701,229,515	0	8¾	141,808,116	88,959,872	0	0	
Transferred to the Commissioners, by reason of Land Tax Redeemed	23,214,395	18	5					
	678,015,119	2	3¼					
....Do....for the Purchase of Life Annuites pursuant to 48th Geo. 3.	465,951	0	0					
DEBT existing 1st Feb. 1809	677,549,168	2	3¼					
Redeemed	141,808,116	0	0					
DEBT Unredeemed at 1st February 1809 ..	535,741,052	2	3¼					

SUMS Annually applicable to the Reduction of the NATIONAL DEBT.				ANNUITIES Fallen in since the 22d June 1802, or that will fall in hereafter.			
					£.	s.	d.
Annual Charge, per 26 Geo. 3	1,000,000	0	0	Exchequer Annuities, 2d and 3d Anne; expired 5th April 1803.....	23,369	13	4
....Do. ..42 Do.	200,000	0	0				
Anns. for 99& 96Y. exp.1792	54,880	14	6				
Do. for 10 Years .. Do 1807	25,000	0	0	Do. Do. 5th Jan. 1805 .	7,030	6	8
Life Annuities Unclaimed for 3 Years, or of which the Nominees have died prior to 5th July 1807 ..	51,277	16	10	Do. 4 Anne, Do. 2th April 1805	22,254	11	6
				Do. 5 Anne Do. 5th April 1806	7,776	10	0
Dividend on £.135,636,033 at 3 per Cent.	4,069,080	19	9	Do. 6 Anne Do. 5th April 1807	4,710	10	0
....Do . on £.4,295,700, at 4 per Cent	171,828	0	0	Do. 6 Anne Do. 5th July 1807	10,181	0	0
....Do. on £142,000 Navy. at 5 per Cent	7,100	0	0	Bank Short Do. Do. 5th January 1808	418,333	0	11
Annuity of 1 per Cent. on part of Capitals created since 1st February 1793 .	3,626,726	4	3	Do. Long Do. will expire 5th July 1860	1,047,494	5	4
Annual Amount payable for Reduction of £.12,000,000 pro 1807	626,255	10	5	By an Act 42 Geo. III. cap. 71. such Annuities as fall in after passing that Act are not to be placed to the Account of the Commissioners for Reduction of the National Debt; but are no longer to be continued in the Annual Charge thereof.			
Dividend on £.1.734,383, at 3 p.Cent. on Acc. of do.	52,031	9	9				
Dividend on £.465,951 transferred for Purchase of Life Annuities, at 3 per Cent..	13,978	10	7				
	9,898,159	6	1				
Deduct Life Annuities granted on £.465,951 transferred to the Commissioners	32,514	12	0				
	9,865,644	14	1				

VII.—UNFUNDED DEBT.

An Account of the UNFUNDED DEBT *and* DEMANDS OUTSTANDING *on the 5th Day of January* 1809.

Under what Acts issued.	On what Funds charged.	Amount Outstanding				
EXCHEQUER BILLS:						
47 Geo. III. cap. 3. - -	Malt, Anno - - 1807 - -	£.358,000	0	0		
Ditto cap. 73. - -	Aids, Anno - - 1808 - -	135,500	0	0		
48 Geo. III. cap. 2. - -	Malt and Personal Estates 1808	890,000	0	0		
Ditto cap. 3. - -	Aids, Anno - - 1808 - -	3,000,000	0	0		
Ditto cap. 7. - -	Aids, Anno - - 1809 - -	10,500,000	0	0		
Ditto cap. 97. - -	Aids, Anno - - 1808 - -	15,000,000	0	0		
Ditto cap.114. - -	Aids, Anno - - 1809 - -	5,659,700	0	0		
Ditto cap. 54. - -	Aids, Anno - - 1809 - -	1,500,000	0	0		
Ditto cap. 53. - -	Aids, Anno - - 1809 - -	3,000,000	0	0		
					40,093,200	0 0
TREASURY:						
Miscellaneous Services		794,700	1	11¾		
Warrants for Army Services		102,796	19	6½		
Treasury Bills accepted previous to and on the 5th Jan. 1809, due subsequent to that day		405,319	18	9¼		
					1,302,817	0 3½
ARMY:						
Ordinary Services		841,295	19	1		
Extraordinary Services		Nil.				
					841,295	19 1
Barracks		-	-	-	504,226	17 10
Ordnance		-	-	-	861,364	18 7
Navy		-	-	-	7,221,167	19 8
Civil List Advances		-	-	-	42,256	4 1¼
					£.50,866,328	19 6¼

VIII.—DISPOSITION OF GRANTS.

An Account, shewing how the MONIES, *given for the* SERVICE *of the Year* 1808, *have been disposed of; so far as relates to* GREAT BRITAIN.

SERVICES.	SUMS Voted or Granted. £. s. d.	SUMS Paid. £. s. d.	Remains to be Paid. £. s. d.
Navy	17,496,047 19 10	17,496,047 19 10	
Ordnance	3,980,340 2 9	3,980,340 2 9	
Forces	15,165,524 7 2	15,165,524 7 2	
To enable His Majesty to pay the same to the East India Company on account of Expences incurred by them in the Public Service	1,500,000 0 0	1,500,000 0 0	
To enable His Majesty to take such Measures as the exigency of Affairs may require, for Great Britain	2,200,000 0 0	2,200,000 0 0	
To enable His Majesty to fulfil the Engagements which His Majesty has entered into with the King of Sweden	1,100,000 0 0	1,100,000 0 0	
To enable His Majesty to fulfil the Engagements which His Majesty has entered into with his Sicilian Majesty	300,000 0 0	300,000 0 0	
To make good the like Sum, which has been issued by His Majesty's Orders pursuant to Addresses of the House of Commons, and which has not been made good by Parliament	27,288 8 11	27,288 8 11	
Civil Establishment and Services	2,703,914 11 0	2,458,568 13 10½	245,345 17 1¾
To make good the Deficiency of the Malt Duty granted for the Service of the Year 1806, at Lady Day 1808	275,845 5 9	275,845 5 9	
£.	44,748,960 15 5	44,503,614 18 3½	245,345 17 1¾

Payments for other Services, not being part of the Supplies granted for the Service of the Year ..... £.244,888 13 6

WAYS *and* MEANS *for answering the foregoing* SERVICES.

Duties on Malt, Sugar, Tobacco, and Snuff, and on Pensions, Offices, &c. continued	3,000,000 0 0
Advanced by the Bank of England, without Interest, till Six Months after the Ratification of a Definitive Treaty of Peace	3,000,000 0 0
Advanced by ditto, out of Unclaimed Dividends, &c.	500,000 0 0
Unappropriated Surplus of the Consolidated Fund, at 5th April 1808	726,870 9 8½
Estimated Surplus of Ditto, to 5th April 1809	3,500,000 0 0
Surplus Ways and Means, 1807	2,253,111 7 5¼
War Taxes	20,000,000 0 0
Estimated Profits on Lotteries, 1808	300,000 0 0
Excess of Exchequer Bills, granted per Act 48 Geo 3. cap. 114. after paying off £ 4,024,200 part of £.4,500,000, issued per Act 47 Geo. 3. s. 2. cap. 73. the Remainder having been funded pursuant to Act 48 Geo. 3. cap. 38	1,975,800 0 0
Excess of Do per Act 48 Geo. 3. cap. 7. after paying off £.9,338,900. part of £.10,500,000. issued per Act 47 Geo. 3. s. 1. cap. 2. the Remainder having been funded pursuant to Act 48 Geo. 3. cap 38	1,161,100 0 0
Loan, part of £.10,500,000. (the Remainder being for the Service of Ireland)	8,000,000 0 0
Interest on Land Tax Redeemed	119 15 1¾
	£ 44,417,001 12 3½

Total Sum granted, as per preceding Account	44,748,960 15 5½
Sums paid for Services not voted, as per Do	244,888 13 6
	44,993,849 8 11½
Amount of Ways and Means, as per Do	44,417,001 12 3½
Deficiency of Ways and Means	576,847 16 7¾

FINANCE ACCOUNTS OF IRELAND,

FOR THE

YEAR ENDED FIFTH OF JANUARY, 1809.

I.—PUBLIC

HEADS OF REVENUE.	Gross Receipt within the Year.			Total Receipt to be Accounted for.			Re-payments, Drawbacks, Discounts, &c.			Charges of Management.		
Ordinary Revenues.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
Customs	2,583,328	11	0¼	2,823,919	13	4½	138,707	13	4	270,074	11	0¾
Excise	2,089,662	19	9⅜	3,000,119	10	2	75,668	14	3½	241,378	9	3½
Stamps	660,387	15	2¼	769,333	1	6	23,249	18	7	53,726	19	0¼
Post Office	180,510	17	9	195,174	13	11	17,859	18	8	81,512	1	10
Poundage Fees	26,152	0	0¾	26,152	0	0¾	-	-	-	-	-	-
Pells Fees	5,230	7	7¼	5,230	7	7¼	-	-	-	-	-	-
Duty on Wrought Plate	—			—			—			—		
Casualties	3,919	2	11	3,919	2	11	-	-	-	-	-	-
Total Ordinary Revenues	5,549,191	14	4⅛	6,823,848	9	6½	255,486	4	10¼	646,692	1	2¼
Extraordinary Resources.												
Gain by Exchange on Sums received from Great Britain	3,177	0	8¼	3,177	0	8¼	-	-	-	-	-	-
Commissioners of the Navy on account of Advances by Collectors in Ireland, for Seamen's Wages, &c.	40,008	5	2	40,008	5	2	-	-	-	-	-	-
From Great Britain, on Account of the Profit of Lotteries	123,680	11	1¼	123,680	11	1¼	-	-	-	-	-	-
From several County Treasurers, paid to several Revenue Collectors, on Account of Advances made by the Treasury for enrolling the Militia	2,571	18	2	19,970	2	8	-	-	-	-	-	-
From several County Treasurers, paid to several Revenue Collectors, on Account of Deficiencies in the Army of Reserve	-	-	-	4,415	7	0½	-	-	-	-	-	-
Other Monies paid to the Public	42,392	3	5¼	42,392	3	5¼	-	-	-	-	-	-
Appropriated Duties for Local Objects.												
Linen Manufacture	212	0	0½	1,221	11	0½		0	9 1	-	-	-
Improvement of Dublin	11,478	2	8	11,716	9	7	-	-	-	-	-	-
Repairs of the Royal Exchange and Commercial Buildings	1,573	5	0	2,109	7	2	-	-	-	-	-	-
Lagan Navigation	3,578	6	4	4,349	16	9½	1,612	13	8		98	5 8
Inns of Court	1,562	3	4	1,562	3	4	-	-	-	-	-	-
Total independent of the Loans	5,779,425	10	3⅜	7,078,451	7	6½	257,099	7	7½	646,790	6	10½
Loans paid into the Exchequer, in the Year ended the 5th of January 1809	5,389,728	0	4½	5,389,728	0	4½	-	-	-	-	-	-
Grand Total	11,169,153	10	7⅞	12,468,179	7	11	257,099	7	7½	646,790	6	10½

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INCOME.

Total Payments out of the Gross Revenue.			Net Produce, applicable to National Objects and to Payments into the Exchequer.			Payments on Account of Militia, Deserters, Straggling Seamen, Army of Reserve, and Fortification Compensation.			Bounties for promoting the Fisheries, Linen Manufacture, &c.			Total Payments out of the Net Produce.			Payments into the Exchequer.		
£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
408,782	4	4½	2,415,137	8	11¾	-	-	-	23,671	14	0½	23,671	14	0½	2,200,268	13	8¼
317,047	3	6⅝	2,683,072	6	7¼	104,133	11	10½	110,729	13	11¼	214,863	5	10¼	1,689,455	5	7¾
76,976	17	7¼	692,356	3	10¾	-	-	-	-	-	-	-	-	-	577,480	4	11½
99,372	0	6	95,802	13	5	-	-	-	-	-	-	-	-	-	68,900	3	4
-	-	-	26,152	0	0½	-	-	-	-	-	-	-	-	-	26,152	0	0¾
-	-	-	5,230	7	7½	-	-	-	-	-	-	-	-	-	5,230	7	7¼
	—			—			—			—			—			—	
-	-	-	3,919	2	11	-	-	-	-	-	-	-	-	-	3,919	2	11
902,178	6	0½	5,921,670	3	5¾	104,133	11	10½	134,401	8	0¼	238,534	19	10¾	4,571,405	18	2½
-	-	-	3,177	0	8¼	-	-	-	-	-	-	-	-	-	3,177	0	8¼
-	-	-	40,008	5	2	-	-	-	-	-	-	-	-	-	40,008	5	2
-	-	-	123,680	11	1¼	-	-	-	-	-	-	-	-	-	123,680	11	1¼
-	-	-	19,970	2	3	-	-	-	-	-	-	-	-	-	120	0	0
-	-	-	4,415	7	0½	-	-	-	-	-	-	-	-	-	3,160	0	0
-	-	-	42,392	3	5¼	-	-	-	-	-	-	-	-	-	42,392	3	5
0	9	1	1,221	1	11½	-	-	-	-	-	-	-	-	-	801	15	2
-	-	-	11,716	9	7	-	-	-	-	-	-	-	-	-	11,648	2	1
-	-	-	2,109	7	2	-	-		-	-	-	-	-	-	1,735	14	6
1,710	19	4	2,638	17	5¼	-	-	-	-	-	-	-	-	-	2,600	0	0
-	-	-	1,562	3	4	-	-	-	-	-	-	-	-	-	1,562	3	4
903,889	14	5¾	6,174,561	13	0¾	104,133	11	10½	134,401	8	0¼	238,534	19	10¾	4,802,291	13	8¼
-	-	-	5,389,728	0	4½	-	-	-	-	-	-	-	-	-	5,389,728	0	4½
903,889	14	5¾	11,564,289	13	5¼	104,133	11	10½	134,401	8	0¼	238,534	19	10¾	10,192,019	14	0¼

II—CONSOLIDATED FUND.

	INCOME. £.	s.	d.
Balance on the Consolidated Fund remaining in the Exchequer, on the 5th January 1808	298,115	9	2¼
Custom and Excise Duties, including Quit Rents and Payments on Account of dismissed and deceased Collectors	3,869,723	19	4
Stamp Duties	577,480	4	11½
Post Office Revenue	68,900	3	4
Poundage Fee	26,152	0	0¾
Pells Fee	5,230	7	7¼
	4,865,602	4	5¾
Repayment from Great Britain of Advances on Seamen's Wages	40,008	5	2
From several County Treasurers for Fines levied for Parishes for Deficiencies in their Proportion of Men for Army of Reserve and Militia	3,280	0	0
Gain by Exchange on Sums received from Great Britain	3,177	0	8¾
Gain on Silver Coinage	12,548	0	8
Other Monies paid to the Public	33,763	5	8¼
EXTRAORDINARY RESOURCES.			
On account of Loans	5,389,728	0	4¼
On Exchequer Bills	541,666	13	4
From Great Britain, for ⅛ of the Profit on the 2d and 3d Lotteries for 1807	123,680	11	1½
	11,013,454	1	6

	ACTUAL PAYMENTS. £.	s.	d.	CHARGE. £.	s.	d.
Interest on Funded Debt, including Annuities and Management	2,744,093	5	10½	2,744,093	5	10½
Interest on Unfunded Debt	8,287	13	5	8,310	16	11½
Sinking Fund and Management	755,360	2	3½	755,360	2	3½
Principal of Debentures	-	-	-	2,225	0	0
Principal of Exchequer Bills	400,000	0	0	400,658	6	8
Lottery Prizes	477	0	0	26,674	0	0
Discount on Prompt Payment of Loan Deposites	43,753	19	5	43,753	19	5
Inland Navigations	20,488	1	2¾	20,488	1	2¾
Improving the Harbour on the North Side of the Hill of Howth	6,000	0	0	6,000	0	0
Repayment of Fines levied on Parishes for Deficiencies in their Proportion of Men for Army of Reserve	3,160	0	0	3,160	0	0
	3,981,620	2	2¾	4,010,723	12	5¼
Civil List	144,281	7	1	} Unascertained.		
Pensions	88,044	9	11			
Permanent Parliament Payments	213,115	6	3			
Military Purposes	4,122,288	10	0¼			
Vote of Credit	418,230	7	10¼			
Annual Grants	309,583	19	6¾			
	9,277,164	2	11¾	Unascertained.		
SURPLUS of Consolidated Fund on 5th Jan. 1809.	1,736,289	18	6			
	11,013,454	1	6			

III.—ARREARS AND BALANCES.

	£.	s.	d.
Balances due on 5th Jan. 1809, from the Deceased and Dismissed Collectors of Customs	59,851	1	3
Ditto - - - Ditto - - - - - - Ditto - - - - - - - - - of Excise	195,292	6	8
Ditto - - - Ditto - - - - - - Ditto - - - - Hearth-money Collector's	60,581	11	6

IV.—TRADE AND NAVIGATION.

Value of IMPORTS *and* EXPORTS *for Three Years.*

	OFFICIAL VALUE of IMPORTS.			OFFICIAL VALUE of Irish Products and Manufactures Exported.			OFFICIAL VALUE of Foreign and Colonial Merchandize Exported.		
	£.	s.	d.	£	s.	d.	£.	s.	d.
Year ending 5th Jan. 1807	5,605,964	16	1	5,030,722	15	10	157,443	2	11
..... 1808	6,637,907	16	7½	5,307,806	16	4	150,370	3	8
..... 1809	7,129,507	11	1¾	5,696,897	5	5¼	235,694	6	11

Note.—The real Value of Irish Produce and Manufactures Exported in the Year ending the 5th Jan. 1809, computed at the Average Prices current, was £.12,577,517 10*s.* 11*d.*

Number of VESSELS, *with the Amount of their* TONNAGE, *built and registered in the several Ports of* IRELAND *in Three Years.*

	VESSELS.	TONNAGE.
Year ending 5th January 1807	41	1,687
- - - - - - - - 1808	33	1,838
- - - - - - - - 1809	32	1,255

Number of Vessels, with the Amount of their TONNAGE, *and the Number of* MEN *and* BOYS *usually employed in Navigating the same, that belonged to the Ports of* IRELAND *on the 30th Day of September in the Years* 1806, 1807 *and* 1808, *respectively.*

	VESSELS.	TONNAGE.	MEN.
On the 30th September 1806	1,076	55,545	5,081
- - - - - - - 1807	1,098	56,902	5,217
- - - - - - - 1808	1,104	58,958	5,324

Number of VESSELS *with the Amount of their* TONNAGE, *&c. that entered* INWARDS *and cleared* OUTWARDS, *in the Ports of* IRELAND, *from or to all Parts of the World, in the Three Years ending the 5th January* 1809.

	INWARDS.								
	IRISH.			BRITISH.			FOREIGN.		
Years ending 5th January	SHIPS.	TONS.	MEN.	SHIPS.	TONS.	MEN.	SHIPS.	TONS.	MEN.
- - - - 1807 - - - -	1,497	102,163	7 049	6,687	630,368	36,818	498	80,001	5,055
- - - - 1808 - - - -	1,503	107,733	7,231	6,836	652,946	36,539	461	78,533	4,674
- - - - 1809 - - - -	1,583	111,614	7,485	7,189	696,403	38,426	159	25,356	1,580

	OUTWARDS.								
Years ending 5th January									
- - - - 1807 - - - -	1,353	97,162	6,754	5,888	574,688	32,441	522	83,048	5,139
- - - - 1808 - - - -	1,320	97,856	6,797	6,294	615,702	34,631	418	72,662	4,130
- - - - 1809 - - - -	1,405	108,435	7,221	6,473	641,157	35,715	163	27,856	1,591

V.—PUBLIC EXPENDITURE.

	£.	s.	d.	£.	s.	d.	£.	s.	d.
I. For Interest on the Funded Debt of Ireland, including Annuities for Lives and Terms of Years; also 1 per Cent. for the Reduction of the Capital created by Loans since 1797, (A. 1 & 2)	3,418,948	19	2¾						
For Charge of Management thereon	-	-	-	12,869	0	7			
There was also applied towards the Reduction of the National Debt, the Annual Issue of	67,635	8	4						
	3,486,584	7	6¼						
Whereof was applied, towards the Reduction of the National Debt	1,053,030	13	11½						
Total on account of Interest	2,433,553	13	7						
Ditto, for Charge of Management	12,869	0	7						
Ditto, on account of the Reduction of the National Debt	1,053,030	13	11¾						
				-	-	-	3,499,453	8	1¾
II. Interest on Exchequer Bills (B.)	-	-	-	-	-	-	8,287	13	5
III. Issues for Purposes appointed by the Parliament of Ireland prior to the Union, &c. (C.)	-	-	-	-	-	-	444,230	19	5
IV. Issues from Appropriated Funds for Local Purposes (D.)	-	-	-	-	-	-	20,595	17	8¼
V. Civil List	-	-	-	144,281	7	1			
Pensions	-	-	-	88,044	9	11			
Other Permanent Charges (E.)	-	-	-	213,115	6	3			
							445,441	3	3
VI. Payments in Anticipation of Exchequer Receipts, viz.									
Bounties	-	-	-	134,401	8	0			
Militia, Army of Reserve, Deserters Warrants, &c. (F. 1 & 2.)	-	-	-	104,133	11	10¾			
							238,534	19	10¾
VII. Ordnance (G.)	-	-	-	-	-	-	600,417	8	1
VIII. Army.—Ordinary Services; viz.									
Regulars, Militia, and Volunteer Corps	-	-	-	2,433,778	0	11			
Barracks	-	-	-	381,364	13	8¾			
Staff Officers and Officers of Garrisons	-	-	-	70,335	15	4			
Half Pay Supernumerary, and retired Officers	-	-	-	23,084	6	0½			
Officers Widows	-	-	-	5,850	18	10½			
Royal Hospital Kilmainham	-	-	-	63,547	15	3½			
Public Offices, their Deputies, Clerks, and contingent Expences	-	-	-	9,516	4	10½			
Commissariat Establishment, (H.)	-	-	-	174,302	4	11½			
				3,161,780	0	0			
Extraordinary Services	-	-	-	360,091	1	11½			
IX. Miscellaneous Services, (I.)	-	-	-	-	-	-	339,232	0	9½
Lastly, Vote of Credit, (K.)	-	-	-	-	-	-	418,230	7	10½
							9,536,295	0	7

(A. 1.)—MONIES *paid out of the Receipt of the Exchequer, in the Year ending the 5th Jan.* 1809, *towards defraying the Charge of the* PUBLIC FUNDED DEBT *of* IRELAND.

	Interest and Annuities for Lives and Terms of Years, &c.	Charge of Management.
	£. s. d.	£. s. d.
Interest, &c. on the Funded Debt of Ireland	3,418,948 19 2	12,869 0 7
	12,869 0 7	
	3,431,817 19 9	
Annual Issue for the Reduction of the National Debt	67,635 8 4	
£.	3,499,453 8 1	

(A. 2.)—*Total Amount of the Sums actually received by the Commissioners for the Reduction of the* NATIONAL DEBT, *in the Year ending 5th Jan.* 1809.

	In Great Britain.	In Ireland.
	£. s. d.	£. s. d.
Annual Issue	- - -	67,635 8 4
Expired Annuities	- - -	2,250 0 0
Appropriation of 1 per Cent. per Annum on Loans since 1797..	534,023 19 4	150,798 9 5
	534,023 19 4	220,683 17 9
Interest on Debt of Ireland redeemed	181,362 12 5	116,960 4 5½
	715,386 11 9	337,644 2 2½
	337,644 2 2½	
	1,053,030 13 11½	

(B.)—*Interest on* EXCHEQUER BILLS, *with the Payments made in the Year from the 5th Jan.* 1808 *to 5th Jan.* 1809.

	£. s. d.
There remained Interest on Exchequer Bills unclaimed on 5th January 1808	23 3 6
Charge for Interest. On £.200,000—from 25th Dec. 1807 to 27th March 1808, when paid off	2,547 18 11
200,000—..... Do. ..... to 21st July 1808	5,739 14 6
	8,310 16 11
Deduct Interest unclaimed on the 5th January 1809	23 3 6
Total Payments for Interest on Exchequer Bills, in the Year to the 5th January 1809	£. 8,287 13 5

(C.)—*Payments made in the Year ending 5th January* 1809, *for purposes appointed by the Parliament of* IRELAND *prior to the Union, &c.*

	£. s. d.
For Lottery Prizes	477 0 0
Discount on Prompt Payment of Loan Deposites, &c.	43,753 19 5
Principal of Exchequer Bills	400,000 0 0
	£. 444,230 19 5

(D.)—*Payments made from the* FUNDS *appropriated for local Purposes in* IRELAND, *from the 5th Jan.* 1808 *to the 5th Jan.* 1809.

	£.	s.	d.
Linen and Hempen Manufacture	1,185	10	7
Lagan Navigation	2,600	0	0
Improving Dublin	12,958	2	1
Inns of Courts	657	0	0
Royal Exchange and Commercial Buildings	1,365	17	6
Fish Bounty	1,849	7	6
	£. 20,595	17	8

(E.)—*Payments in the Year to the 5th Jan.* 1809, *under the several Heads of Civil List, Pensions, and other Permanent Charges.*

	£.	s.	d.			
Arrear on Civil List on the 5th January 1808	34,753	12	6¾			
Charge for Ditto, for One Year to the 25th December 1808	145,000	0	0			
	179,753	12	6¾			
Deduct Arrear on the 5th January 1809	34,472	5	5¾			
Issues to the Civil List in One Year to the 5th January 1809	-	-	-	144,281	7	1
Pensions	-	-	-	88,044	9	11
Other Permanent Charges; viz.						
Public Infirmaries	3,500	0	0			
Public Coal Yards	3,088	1	10			
Army Bagaage	26,096	17	9			
Police Establishment	15,917	19	7			
Inspector General of Prisons	200	0	0			
Transportation of Felons	5,154	12	9			
Fees on Auditing Treasury Accounts	2,620	12	4½			
Imprest Office	2,600	0	0			
Secret Service in detecting Treasonable Conspiracies	8,762	17	8¾			
Annuities and Compensation Allowances	112,445	18	9½			
Judges additional Salaries, &c.	30,313	7	0½			
Controverted Elections	780	3	6			
Commission of Inquiry	1,015	0	0			
Board of Education	300	0	0			
Lottery Expences	319	14	11			
				213,115	6	3
			£.	445,441	3	3

(F. 1.)—*Amount of* BOUNTIES *paid out of the Public Revenue, in the Year ending the 5th Jan.* 1809, *being Payments in the Nature of Anticipation of Exchequer Receipt.*

	£.	s.	d.
On Linen Exported	7,302	10	8
Fishing Vessels	5,176	0	1
Bark Imported	1,232	14	3
Irish Coals brought Coastways to Dublin	22	14	0
Irish Cured Fish Exported	63	19	7
Irish Fish Oil Exported	38	1	2
Fish Imported	4,812	16	9½
Corn Exported	13	6	5
Beef and Pork Exported	5,009	11	1
To Distillers	110,705	17	3½
Spirit Retailers	23	16	8
	£. 154,401	8	0

(F. 2.)—*Amount of Payments to the* MILITIA, ARMY *of* RESERVE, DESERTERS' WARRANTS, *&c. in the Year ended 5th January* 1809.

	£.	s.	d.
Militia	93,630	8	1½
Army of Reserve	6,570	2	4½
Deserters Warrants	1,099	0	0
Army Half pay, &c.	414	16	6½
Fortification Compensation	1,722	2	3½
Compensation to Revenue Collectors in lieu of Fees on Licenses	697	2	7
	£. 104,133	11	10

(G.)—*Money paid to the Office of* ORDNANCE, *in the Year to the 5th January* 1809.

	£.	s.	d.
Payments to the Ordnance for the Year 1808	468,811	3	11
More, for Services performed in the Year 1807, and not provided for by Parliament	131,606	4	2
	600,417	8	1

(H.)—*Monies paid on Account of His Majesty's Forces in* IRELAND, *in the Year ending the 5th January* 1809.

	£.	s.	d.	£.	s.	d.
Regiments of the Line	1,257,442	11	2½			
Militia	887,020	8	5			
Volunteer Corps	273,978	1	4			
Military Hospitals	9,829	13	2			
Royal Military Infirmary	4,171	14	3½			
Officiating and retired Chaplains	1,335	12	6			
				2,433,778	0	11
Barracks				381,964	13	3½
Staff Officers and Officers of Garrisons				70,335	15	4
Half Pay, Supernumerary, and reduced Officers				23,084	6	0
Officers Widows				5,550	18	10½
Royal Hospital, Kilmainham				63,547	15	3½
Public Officers, their Deputies, Clerks, and contingent Expences				9,516	4	10
Commissariat Establishment				174,302	4	11½
				3,161,780	0	0
Extraordinary Service				360,091	1	11½
			£.	3,521,871	1	11½

(I.)—*Payments in the Year ending 5th January* 1809, *for* MISCELLANEOUS SERVICES.

Public Officers for several Services	2,230	0	0
Public Hospitals and Schools	137,526	0	0
Miscellaneous Services	116,727	19	6
Public Boards	53,100	0	0
Inland Navigations	20,488	1	3
Improving Howth Harbour, to complete £.10,000, granted by 45th Geo. 3 c. 113	6,000	0	0
Repayment of Fines levied on Parishes for Deficiencies in their Proportion of Men for the Army of Reserve	3,160	0	0
£.	339,232	0	9

(K.)—*Payments from the* VOTE *of* CREDIT *in the Year ending 5th Jan.* 1809.

Amount of Payments from the Vote of Credit	£.418,230	7	10

VI.—PUBLIC FUNDED DEBT.

PUBLIC FUNDED DEBT, *as the same stood on the 5th January* 1809.

	British Currency. £.	s.	d.	Irish Currency. £.	s.	d.
Sums raised	54,326,652	2	11			
PAYABLE IN DUBLIN:						
£.3 per Cent. per Annum				6,680,972	17	1
£.4 per Cent. per Annum				227,600	0	0
£.5 per Cent. per Annum				12,875,450	11	3
PAYABLE IN LONDON.						
£.5 per Cent. per Annum	1,900,000	0	0	2,058,333	6	8
£.3 per Cent. Consolidated Annuities	30,238,875	0	0	32,758,781	5	0
£.3 per Cent. Reduced Annuities	16,028,750	0	0	17,364,479	8	4
£.4 per Cent. Consolidated Annuities	3,254,375	0	0	3,525,572	18	4
£.5 per Cent. Consolidated Navy Annuities	572,000	0	0	619,666	13	4
ANNUAL CHARGE.						
Annual Interest	2,665,331	6	2			
Annuities on Lives or Terms of Years	217,626	14	2			
Pursuant to Act of 37 Geo. 3. for Redemption of Debt then existing	69,885	8	4			
By Acts providing 1 per Cent. for Redemption of Debts created since 1797	710,477	19	4	Total Principal		
Total of Annual Expences	3,663,321	8	0	76,110,856	15	0

An Account of the Progress made in the REDUCTION *of the* PUBLIC FUNDED DEBT *of* IRELAND, *to the 5th of January* 1809.

	£.	s.	d.
Stock Redeemed by Sinking Fund	2,933,408	1	5
Total Sums Paid	2,422,695	8	9

SUMS Annually applicable in Ireland to the REDUCTION of the NATIONAL DEBT.

Annual Income of Loans	228,847	11	1
Annual Interest on Stock Redeemed	128,652	2	1

At the Establishment of the Sinking Fund, £.100,000 per Annum was granted for the then existing Debts;—£ 32,364. 11*s.* 8*d.* of which was appropriated to the Reduction of the Money borrowed for Ireland, by the government of Great Britain, in the year 1797; and £ 67,636. 8*s.* 4*d* with £.2,250 per Annum expired Annuities, which fell in afterwards, to Remainder of the Debt due by Ireland, prior to the year 1797, without any Reference to the Amount.

The Money borrowed for Ireland by the government of Great Britain is not included in the above Statement, being settled for in England by the Lords of the Treasury of Ireland, and can only be procured from the Commissioners for Reducing the National Debt of England.

VII.—UNFUNDED DEBT.

An Account of the UNFUNDED DEBT *and* DEMANDS OUTSTANDING *on the 5th Day of January* 1809.

	£.	s.	d.			
LOAN DEBENTURES.						
Residue of Debentures bearing £.4 per Cent. Interest to the Year 1788, provided for by the 27 and 28 Geo. III. but not claimed by the Proprietors; viz.						
Old Loan	275	0	0			
Loan by Lottery 1780	1,220	0	0			
Loan by Lottery 1781	730	0	0			
				(a) 2,225	0	0
EXCHEQUER BILLS.						
Outstanding Exchequer Bills, provided for by several Acts of Parliament, but not claimed by the Proprietors						
Payable 24 June 1783	8	6	8			
- - - - Ditto 1790	50	0	0			
- - - - Ditto 1791	100	0	0			
- - - - Ditto 1795	300	0	0			
- - - - Ditto 1801	50	0	0			
- - - - Ditto 1803	150	0	0			
				(a) 658	6	8
Exchequer Bills not in course of Payment till after the 5th January 1809, by 48 Geo. 3. c. 112.—Payable on or before 4th January 1810. (£.500,000 Brit sh)				(b)541,666	13	4
LOTTERY PRIZES:						
Outstanding Lottery Prizes of the several Lotteries from 1782 to 1801				(a)26,197	0	0
Total				£.570,747	0	0

(a) Provision has been made for these Sums by several Acts of Parliament.
(b) To be provided for.

VIII.—DISPOSITION OF GRANTS.

An Account, shewing how the MONIES *granted for the* SERVICE *of the Year* 1808, *have been disposed of; so far as relates to* IRELAND.

SERVICES.	SUMS Granted.			SUMS Paid.			REMAINS.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.
FORCES.									
Army, including Pay, Clothing, Agency, and the annual Allowances to Field Officers, Captains, and Riding Masters, the Extra Allowance for Farriery, &c. &c. and also certain Miscellaneous Charges on account of said Army, 1,385,057. 11. 6. British (part of 7,277,980. 7. 0.) 1,500,479 0 9									
Foreign Corps 70,911. 3. 10. Br. (part of 866,558. 7. 0.) - 76,920 9 1									
	1,577,399	9	11	1,257,442	11	2	319,956	18	9

	SUMS Granted.	SUMS Paid.	REMAINS.
Militia, including Contingencies and Allowances to Non-commissioned Officers and private Men for small Beer, and while on a march, 846,408. 17. 6. Br. (part of 3,082,870. 17 10.)	916,942 18 11	887,020 8 5	29,922 10 6
Volunteer Corps 641,487. 0 0 Br. (part of 1,293,487. 0. 0.)	694,944 5 0	273,978 1 4	420,966 3 8
General and Staff Officers, and Officers of the Hospitals, serving with the forces, and the Charge of His Majesty's Garrisons, 69,502. 1. 4. Br. (part of 433,404. 7. 9.)	75,293 18 1	70,335 15 4	4,958 2 9
Full-Pay to Supernumerary Officers of His Majesty's Land Forces, 778. 1. 9. Br. (part of 32,921. 4. 5.)	842 18 6	842 7 1	0 11 5
The Principal Officers of several Public Departments, their Deputies, Clerks, and Contingent Expences, 8,921. 14. 0. Br. (part of 197,602. 13. 6.)	9,665 3 6	9,516 4 10	148 18 7
Half-Pay to reduced Officers of Land Forces, 26,267. 15. 3. Br. (part of 226,017. 15. 3.)	28,456 14 10	21,920 6 6	6,536 8 4
Military Allowances to reduced Officers of the Land Forces, 464. 13. 8. Br. (part of 10,464. 13. 8.)	503 8 1	321 12 4	181 15 9
In and Out Pensioners of the Royal Hospital near Kilmainham, and Expences of said Hospital, 63,821. 5. 9. Br. (part of 434,410. 8. 9.)	69,139 14 6	63,547 15 3	5,591 19 3
Pensions to Widows of Officers of the Land Forces, and Expences attending the same 6,000. Br. (part of 46,495. 10. 6.)	6,500 0 0	5,850 18 10	649 1 1
Retired and Officiating Chaplains of His Majesty's Forces, 2,852. 5. 3. Br. (part of 18,852. 5. 3.)	3,089 19 0	1,335 12 6	1,754 6 6
General Hospital Expences of His Majesty's Forces, in Ireland, including Medicaments, for General and Regimental Hospitals, and the Charge of the Royal Military Infirmary, Dublin, for Sick and Wounded Soldiers, 18,676. 8. 9. Br. (part of 118,676. 8. 9.)	20,232 16 1	14,001 7 5	6,231 8 8
Barrack Department in Ireland 442,262. 13. 5. Br.	479,117 17 10	381,364 13 8	97,753 4 1
Commissariat Establishment in Ireland, and extra Forage for the Cavalry 190,253. 7. 4.	206,107 16 3	174,302 4 11	31,805 11 3
Extraordinary Service of the Army in Ireland 500,000 Br.	541,666 13 4	360,091 1 11	181,575 11 4
ORDNANCE.			
Office of Ordnance in Ireland, for the Year 1808 (432,748. 15. 11.)	468,811 3 11	468,811 3 11	
More for defraying the Expence of Services performed in the Year 1807 and not provided for by Parliament (121,482. 13. 1. Br.)	131,606 4 2	131,606 4 2	
PUBLIC OFFICERS for several SERVICES.			
S. Moore, esq. Acc. Gen. for his extraordinary Trouble and Expence in preparing and stating the Public Accounts of Ireland, laid before Parliament in 1808	340 0 0	340 0 0	
J. Smart, esq. Dep. Acc. Gen. for ditto	240 0 0	240 0 0	
P. Le Bas, esq. Examinator of Corn Bounties, for keeping the Accounts in said Office	200 0 0	200 0 0	
R. Marshall, esq. Inspector Gen. of Imports and Exports, for preparing the Accounts of the Imports and Exports of Ireland, for Parliament, for Two years, ending the 5th Jan. 1808	500 0 0	500 0 0	

	SUMS Granted.			SUMS Paid.			REMAINS.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.
H. B. Hautenville, esq. First Clerk in the Office of the Inspector General of Imports and Exports of Ireland, for preparing Accounts for Parliament	400	0	0	400	0	0			
Geo. Hatton, esq. Examinator of Excise, for preparing Accounts for Parliament	200	0	0	200	0	0			
Sam. Hood, esq. Assistant Examiner of Excise, for preparing Accounts for Parliament	150	0	0	150	0	0			
Tho. Haffield, Clerk in the Office of the Auditor of the Exchequer, for preparing Accounts for Parliament	200	0	0	200	0	0			
MISCELLANEOUS SERVICES: from 5th Jan. 1808 to 5th Jan. 1809.									
Expence of Civil Buildings	25,000	0	0	25,000	0	0			
Expence of printing 250 Copies of the Acts of the 48th Year of His present Majesty	1,200	0	0	1,200	0	0			
Charge of Printing, Stationary, and other Disbursements for the Chief and Under Secretaries Office and Apartments, and other Public Offices, in Dublin Castle, &c. and for Riding Charges and other Expences of the Deputy Pursuivants, and extra Messengers attending the said Offices	22,018	0	0	22,018	0	0			
Expence of apprehending Public Offenders in Ireland	2,500	0	0	1,938	2	9	561	17	2
Support of the Non-conforming Ministers in Ireland	9,429	18	0	9,429	18	0			
Expence of Pratique, in the Port of Dublin	1,047	10	2	1,047	10	2			
Charge of Clothing the Battle-Axe-Guards, for Eighteen Months, commencing 1st Dec. 1807	740	0	0	740	0	0			
Towards the Expence of building a Pier at the North Side of Howth, for the Accommodation of His Majesty's Packets between Dublin and Holyhead, and for keeping them afloat at all times of the tide	10,000	0	0	6,185	11	3	3,814	8	8
To enable the Chief Secretary of the Lord Lieutenant of Ireland to refund the like Sum paid into his Office for Wool Licences, since the 5th Jan. 1801	1,250	13	10	1,250	13	10			
Expence of publishing Proclamations and Advertisements in the Dublin Gazette and other News-papers in Ireland	10,500	0	0	10,499	15	6	0	4	6
Expence of Criminal Prosecutions and other Law Expences in Ireland	25,000	0	0	25,000	0	0			
Expenditure at His Majesty's Gold Mine at Croaghan in the County of Wicklow	997	0	0	997	0	0			
For Reimbursing the Accountant General of the Court of Chancery in Ireland Arrears of Annual Allowances to Clerks in his Office	475	0	0	475	0	0			
For repaying to Edward Kent, esq. the Monies paid into the Treasury of Ireland by him in his own wrong	512	8	0	512	8	0			
For paying the Salaries of the Lottery Offices in Ireland	4,434	0	0	4,434	0	0			
Charge of Incidents of the Treasury of Ireland	6,000	0	0	6,000	0	0			
PUBLIC BOARDS: from 5th Jan. 1808 to 5th Jan. 1809.									
The Trustees of the Linen and Hempen Manufactures, for One Year	21,600	0	0	21,600	0	0			
Expences of the Farming Society of Ireland	5,000	0	0	5,000	0	0			

	SUMS Granted.			SUMS Paid.			REMAINS.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.
The Dublin Society, for promoting Husbandry and other useful Arts in Ireland	10,000	0	0	10,000	0	0			
Expences of the Cork Institution	2,000	0	0	2,000	0	0			
The Commissioners for making wide and convenient Streets in the City of Dublin ...	4,500	0	0	4,500	0	0			
The Board of First Fruits; for building new Churches and re-building Old Churches, and building Glebe Houses in such Manner as said Board shall think fit	10,000	0	0	10,000	0	0			
PUBLIC HOSPITALS and SCHOOLS: from 5th Jan. 1808 to 5th 1809.									
For defraying the Charge of the Incorporated Society in Dublin, for promoting English Protestant Schools in Ireland	23,103	0	0	23,103	0	0			
Expence of the Foundling Hospital in Dublin	22,500	0	0	22,500	0	0			
Charge of the Hibernian Marine Society in Dublin.....	2,896	0	0	2,896	0	0			
Expence of the Hibernian School for Soldiers Children	14,958	0	0	14,958	0	0			
Charge of the Female Orphan House near Dublin.....	3,758	0	0	3,758	0	0			
Expences which may be incurred by the Association for discountenancing Vice, and promoting the Knowledge and Practice of the Christian Religion	1,926	0	0	1,926	0	0			
Towards supporting the Westmoreland Lock Hospital in Dublin	11,786	0	0	11,786	0	0			
Charge of supporting the House of Industy and Penitentiary in Dublin	28,797	0	0	28,797	0	0			
Expence of Maintaining Eighty Patients in the House of Recovery and Fever Hospital in Cork Street Dublin	4,122	0	0	4,122	0	0			
Expence of the Lying-in Hospital in Dublin.	2,668	0	0	2,668	0	0			
For completing the Buildings at Stephen's Green for the Royal College of Surgeons in Ireland	5,300	0	0	5,300	0	0			
Charge of the Office of the Commissioners of Charitable Donations and Bequests	600	0	0	600	0	0			
For finishing the Repairs of Doctor Steven's Hospital and defraying Expences thereof	1,824	0	0	1,824	0	0			
For erecting Buildings at Sir Patrick Dunn's Clinical Hospital	4,038	0	0	4,038	0	0			
Charge of the Roman Catholic Seminary in Ireland.....	9,250	0	0	9,250	0	0			
£.	5,544,281	12	4	4,431,872	9	7	1,112,409	2	9

END OF THE FINANCE ACCOUNTS FOR 1809.

Amount of all EXEMPTIONS *granted to* FOREIGNERS, *in respect of the* DUTY *in the various* FUNDS *of Great Britain, and on the* DIVIDENDS *of the East India and South Sea Companies; under The* PROPERTY TAX; *for the Year ending* 10*th October* 1808.

STOCK or ANNUITIES.	DIVIDEND. £. s. d.	DUTY. £. s. d.
For the Quarter ending January 1808.		
3 per Cent. Consolidated Annuities	179,721 6 3	17,971 11 0
5 per Cent. Navy Annuities	6,365 11 2	635 17 1
East India Stock	23,416 3 0	2,341 6 8
South Sea Stock	19,770 18 4	1,976 17 10
South Sea Annuities 1751	2,345 17 5	234 10 9
3 per Cent. Imperial Annuities	1,186 3 6	118 12 1
3 per Cent. Annuities 1726	1,248 7 5	124 15 2
Imperial Annuities	617 3 6	62 14 4
Irish Tontine Annuities	969 8 0	96 16 6
Exchequer Annuities	533 17 6	53 7 9
Short Annuities	1,027 16 6	102 14 9
New South Sea Annuities	7,852 2 8	785 0 7
	245,054 15 3	24,504 4 6
For the Quarter ending April 1808.		
3 per Cent. Reduced Annuities	33,775 15 8	3,377 3 1
4 per Cent. Consolidated Annuities	16,915 16 9	1,691 8 11
Old South Sea Annuities	7,656 4 11	765 10 2
Long Annuities	3,227 16 11	322 10 11
5 per Cent. Annuities 1797	952 6 7	95 1 2
5 per Cent. Irish Annuities	1,954 5 0	195 8 6
Irish Annuities	165 10 4	16 10 9
Exchequer Annuities	22 5 8	2 4 2
	64,670 1 10	6,465 17 8
For the Quarter ending July 1808.		
3 per Cent. Consolidated Annuities	175,726 17 2	17,571 16 5
5 per Cent. Navy Annuities	5,901 7 2	589 17 1
East India Stock	22,911 7 4	2,290 16 6
South Sea Stock	19,678 15 10	1,967 12 11
South Sea Annuities 1751	2,332 2 5	233 3 6
3 per Cent. Imperial Annuities	808 11 6	80 17 0
3 per Cent. Annuities 1726	1,223 2 5	122 5 9
Imperial Annuities	601 16 5	60 3 7
Irish Tontine Annuities	6,756 12 4	675 11 8
Exchequer Annuities	1,070 0 0	107 0 0
New South Sea Annuities	7,488 18 3	748 15 9
	244,499 10 10	24,448 0 2
For the Quarter ending October 1808.		
3 per Cent. Reduced Annuities	31,305 15 9	3,130 3 4
4 per Cent. Consolidated Annuities	16,017 6 3	1,601 11 1
Old South Sea Annuities	7,433 5 3	743 4 8
Long Annuities	2,654 17 8	265 9 3
5 per Cent. Annuities 1797	856 9 2	85 10 2
5 per Cent. Irish Annuities	1,899 5 0	189 18 6
Irish Annuities	165 10 4	16 10 9
	60,332 9 5	6,032 7 9

Total Amount of Exemptions on Dividends in each Quarter,

	£. s. d.	£. s. d.
January 1808	24,504 4 6	61,450 10 1
April	6,465 17 8	
July	24,448 0 2	
October	6,032 7 9	

An Account of the NOTES *of the* BANK *of* ENGLAND *in Circulation, including* BANK POST BILLS, *from the 1st Feb.* 1808 *to 1st Feb.* 1809; *distinguishing the Amount in Circulation in each Quarter, and the Amount of those under the Value of Five Pounds.*

Notes of Five Pounds each, and upwards, including Bank Post Bills payable Seven Days after Sight.		Notes of £2 and £1 each.	
1808. May 1	13,429,640.	1808. May 1	4,062,260.
August 1	13,521,380.	August 1	4,123,290.
November 1	13,255,460.	November 1	4,211,710.
1809. February 1	13,226,860.	1809. February 1	4,353,200.

An Account of the NOTES *of the* BANK *of* IRELAND *in Circulation, from the 1st Feb.* 1808 *to 1st Feb.* 1809, *including* BANK POST BILLS; *Distinguishing the Amount in Circulation in each Quarter, and the Amount of those under the Value of Five Pounds.*

Value of £.5. and upwards	1,974,700	18	5
Ditto below Five Pounds	851,232	17	3
1st May 1808	£. 2,825.933	15	8
Value of £.5. and upwards	1,975,734	10	3
Ditto below Five Pounds	908,443	14	0
1st August 1808	£. 2 884,178	4	3
Value of £.5. and upwards	2,072,945	11	2½
Ditto below Five Pounds	924,895	3	6
1st November 1808	£ 2,997,840	14	8½
Value of £.5. and upwards	2,120.362	5	6
Ditto below Five Pounds	952,153	14	3
1st February 1809	3 072.515	19	9

LIST OF PUBLIC ACTS,

Passed in the Third Session of the Fourth Parliament of the United Kingdom of Great Britain and Ireland—49th of George III.

CAP. 1. An act for continuing to his majesty certain duties on Malt, Sugar, Tobacco, and Snuff, in Great Britain; and on Pensions, Offices, and Personal Estates in England; for the service of the year 1809.

2. An act for raising the sum of 10,500,000*l.* by Exchequer Bills, for the service of Great Britain, for the year 1809.

3. An act for raising the sum of 1,500,000*l.* by Exchequer Bills, for the service of Great Britain, for the year 1809.

4. An act to allow a certain proportion of the Militia of Great Britain, to enlist voluntarily into the Regular Forces.

5. An act to allow a certain proportion of the Militia in Ireland voluntarily to enlist into his majesty's Regular Forces.

6. An act for the Relief of Prisoners in Custody for Non-payment of Money pursuant to orders of Courts of Equity.

7. An act to prohibit the Distillation of Spirits from Corn or Grain, in the United Kingdom, for a limited time.

8. An act to suspend the Importation of British or Irish made Spirits into Great Britain or Ireland respectively, until the 1st of June 1809.

9. An act to grant Bounties on the Importation of Flax Seed into Ireland from Great Britain, until the 8th day of April 1809; and to amend the Laws for the Regulation of the Linen Manufacture in Ireland, so far as relates to importers of Flax Seed.

10. An act to continue so much of an act of the 47th year of his present majesty, as allows a Bounty upon double refined Sugar exported, until the 25th of March 1811; and so much of the same act as allows a bounty on Raw Sugar exported, until the 25th of March 1810.

11. An act for further continuing, until the 25th of March 1810, certain Bounties and Drawbacks on the Exportation of Sugar from Great Britain; and for suspending the Countervailing Duties and Bounties on Sugar when the Duties imposed by an act of the 46th year of his present majesty shall be suspended.
12. An act for punishing Mutiny and Desertion; and for the better payment of the Army and their Quarters.
13. An act for the more effectually preventing the Forging of Bank Notes, Bank Bills of Exchange, and Bank Post Bills, and the Negociation of forged and counterfeited Bank Notes, Bank Bills of Exchange, and Bank Post Bills, of the Governor and Company of the Bank of Ireland.
14. An act for repealing an act of the Parliament of Scotland, relative to Child Murder; and for making other Provisions in lieu thereof.
15. An act to indemnify such persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and for extending the Times limited for those purposes respectively, until the 25th of March 1810; and to permit such persons in Great Britain as have omitted to make and file Affidavits of the Execution of Indentures of Clerks to Attornies and Solicitors, to make and file the same on or before the 1st day of Hilary Term 1810.
16. An act to allow the Importation of Rum and other Spirits, from the island of Bermuda into the province of Lower Canada, without payment of Duty, on the same terms and conditions as such Importation may be made directly from his majesty's Sugar Colonies in the West Indies.
17. An act to authorize his majesty, during the present War, to make Regulations respecting the Trade and Commerce to and from the Cape of Good Hope.
18. An act for continuing until the 25th day of March 1814, several acts for the free Importation of Cochineal and Indigo; and until the 25th of March 1819, an act of the 46th year of his present majesty, to permit the exportation of Wool from the British Plantations in America.
19. An act for the Regulation of his majesty's Royal Marine Forces while on shore.
20. An act to make perpetual several Laws relating to the Encouragement of the Silk Manufactures; to the allowing the Importation of Rape Seed, and other Seeds used for extracting Oil, whenever the prices of middling British Rape Seed shall be above a certain limit; to the encouraging the growth of Coffee in his majesty's Plantations in America; and for amending and making perpetual several Laws relating to the preventing the clandestine running of goods, and the danger of Infection thereby; and to the allowing the Importation of Seal Skins cured with Foreign Salt free of Duty.
21. An act for granting Annuities to discharge certain Exchequer Bills.
22. An act for allowing the Importation and Exportation of certain goods and commodities into and from the port of Falmouth in the island of Jamaica.
23. An act for further continuing until the 25th of March 1810, an act made in the 39th year of his present majesty, for prohibiting the Exportation from and permitting the Importation to Great Britain of Corn; and for allowing the Importation of other articles of provision without payment of Duty.
24. An act for charging with Duty Spent Wash, re-distilled in Great Britain.
25. An act to permit, until the 25th of March 1811, the Importation of Tobacco into Great Britain, from any place whatever.
26. An act for allowing until the 25th of March 1810, the Importation of certain Fish from parts of the coast of his majesty's North American colonies; and for granting a Bounty thereon.
27. An act for establishing Courts of Judicature in the island of Newfoundland and the islands adjacent; and for re-annexing part of the coast of Labrador and the islands lying on the said coast to the government of Newfoundland.
28. An act to enable the Clerks of the King's Coroner and Attorney in the Court of King's Bench to be admitted as Attornies.
29. An act for the Appropriation of 20,000*l.* out of the Consolidated Fund of Ireland, toward the Encouragement of the saving of Flax Seed for sowing in Ireland.
30. An act to continue until the 25th of March 1810, certain acts for regulating the Drawbacks and Bounties on the Exportation of Sugar from Ireland, and for warehousing in Ireland, Rum or Spirits of the British Sugar Plantations.
31. An act to continue until the 25th day of March 1810, an act of the 41st year of his present majesty, for prohibiting the Exportation from Ireland, and for permitting the Importation into Ireland, Duty free, of Corn, and other provisions.
32. An act for continuing and making perpetual several Duties of 1*s.* 6*d*, repealed by an act of the last session of parliament, on Offices and Employments of profit, and on Annuities, Pensions and Stipends, and thereby granted for one year to the 25th of March 1809.
33. An act to grant an Excise Duty on Spirits made or distilled from Sugar in Ireland, during the prohibition of Distillation from Corn or Grain there, in lieu of the Excise Duty now chargeable thereon, and to allow a Drawback on the Export thereof to foreign parts.
34. An act to permit the Registry at Malta of Ships taken as prize.
35. An act for the more convenient payment of Pensions to Widows of Officers of the Navy.

36. An act to amend an act made in the 45th year of his present majesty, for amending and rendering more effectual an act of the parliament of Ireland, for erecting and establishing public Infirmaries or Hospitals.
37. An act for increasing the Rates of Subsistence to be paid to Inn-keepers and others on quartering Soldiers.
38. An act for further continuing until the 25th of July 1811, an act made in the 33rd year of his present majesty, for rendering the payment of Creditors more equal and expeditious in Scotland.
39. An act for making Compensation to the Proprietors of such Lands and Hereditaments as have been purchased for better securing his majesty's Docks, Ships, and Stores, at Portsmouth: and for extending the lines and works at Dover; in pursuance of an act made in the 46th year of his present majesty.
40. An act to amend and render more effectual an act, passed in the last session of parliament, for enabling his majesty to establish a permanent Local Militia Force, under certain Restrictions, for the Defence of the Realm.
41. An act to amend an act made in the 48th year of his present majesty, to provide that British ships captured by the enemy, becoming the property of British subjects, shall not be entitled to the privilege of British ships.
42. An act for better regulating the public Records of Scotland.
43. An act for regulating the mode in which the average price of Brown or Muscovado Sugar, exclusive of the Duty thereon, is to be ascertained under the provisions of an act passed in the 46th year of his present majesty.
44. An act to permit Goods brought in as Prize, and restored by the Court of Admiralty, or which have been seized as Droits, and so restored, to be sold or transferred within this kingdom, without paying the Home Consumption Duty.
45. An act for more conveniently paying of Allowances on the Compassionate List of the Navy, and of Half pay to Officers of the Royal Marines.
46. An act to authorize the principal Officers of the Customs in the British colonies and plantations in America and the West Indies, to examine Witnesses on Oath.
47. An act to permit certain articles, the growth, production, or manufacture of Europe, to be laden and shipped on board ships arriving with British North American produce, and Fish taken by settlers in the British North American colonies, at any port of Europe, in order to be exported to the principal ports in the British colonies and plantations in North America.
48. An act to amend and render more effectual an act, passed in the last session of parliament, for enabling his majesty to establish a permanent Local Militia Force in Scotland, under certain Restrictions, for the Defence of the Realm.
49. An act to authorize his majesty to permit, until the 25th of March 1812, any Goods and Commodities to be imported into and exported from Nova Scotia and New Brunswick, in any Ship or Vessel whatsoever.
50. An act to amend so much of an act made in the 37th year of his present majesty, for granting to his majesty certain Stamp Duties, as relates to the Limitation according to which the Discount of Newspapers is regulated.
51. An act to continue until the 1st of August 1810, and amend certain acts for appointing Commissioners to enquire into the Fees, Gratuities, Perquisites, and Emoluments received in several Public Offices in Ireland; to examine into any Abuses which may exist in the same, and into the mode of receiving, collecting, issuing, and accounting for Public Money in Ireland.
52. An act for raising the sum of 6,000,000*l.* by Exchequer Bills, for the service of Great Britain, for the year 1809.
53. An act for completing the Militia of Great Britain.
54. An act for the Relief of certain Insolvent Debtors in Ireland.
55. An act for rectifying Mistakes in the Names of the Commissioners appointed by an act of the last session of parliament for appointing Commissioners for carrying into execution an act of this session of parliament for granting to his majesty a Duty on Pensions and Offices in England, and an act, made in the 38th year of his present majesty, for granting an Aid to his Majesty by a Land Tax to be raised in Great Britain for the service of the year 1798, and for appointing other Commissioners together with those named in the first mentioned act, to put in execution an act of this session of parliament for continuing to his majesty certain Duties on Malt, Sugar, Tobacco, and Snuff, in Great Britain, and on Pensions, Offices, and Personal Estates in England, for the service of the year 1809, also the said act made in the 38th year of his present majesty; and for indemnifying such persons as have acted as Commissioners for executing the said acts.
56. An act for completing the Militia of Ireland.
57. An act for improving the quality of Beer in Ireland, by further preventing the use of unmalted Corn, or of any deleterious or unwholesome Ingredients therein, and for the better securing the collection of the Malt Duties in Ireland.
58. An act to explain and render more effectual an act, passed in the parliament of Ireland in the 36th year of his present majesty's reign, for the Encouragement and Relief of Friendly Societies.
59. An act to permit the Trade between

Great Britain and the United States of America to be carried on in Ships or Vessels belonging to the Inhabitants of the said States.

60. An act for allowing the importation from any Port in Europe or Africa, of goods or commodities the growth or produce of any country, until six months after the ratification of a definitive treaty of peace.

61. An act for making Sugar and Coffee of Martinique and Mariegalante liable to duty on importation as Sugar and Coffee not of the British Plantations.

62. An act to amend several acts for the Prevention of Smuggling: for better securing the Duties on Coals, Culm, and Cinders; and for permitting the exportation of Salt, Pepper, and Wine from Guernsey or Jersey to Sark, in small packages.

63. An act for repealing the duties on the materials used in making spread Window Glass and Crown Glass, and for granting other duties in lieu thereof, and for the better collection of the said duties.

64. An act to amend an act passed in the last session of parliament for enabling the commissioners for the Reduction of the National Debt to grant Life Annuities.

65. An act for giving Jurisdiction to Justices of the Peace to hear and determine prosecutions for penalties incurred by any offence against the laws relating to the Revenue of Customs; and also requiring all Goods, customable and not exciseable, seized by any police or peace officer, to be brought to the Custom-House warehouse in London within a certain period.

66. An act for the abolition of certain Holidays, and for altering and extending the time for keeping open the Chief Office of Excise.

67. An act to amend an act passed in the 46th year of his present majesty, for the redemption and sale of the Land Tax, and to make further provision for exonerating small Livings and Charitable Institutions from the Land Tax.

68. An act to explain and amend the Law of Bastardy, so far as relates to indemnifying parishes in respect thereof.

69. An act to indemnify Persons who have inadvertently printed, published, or dispersed papers or books without a full description of the place of abode of the Printers thereof from penalties incurred under an act of the 39th year of his majesty's reign.

70. An act to amend an act passed in the 48th year of his present majesty, to enable his majesty's Postmaster-General of Ireland to purchase premises for the enlargement of the General Post-Office in the City of Dublin.

71. An act for raising the sum of 14,600,000*l.* by way of Annuities.

72. An act to continue until the 25th of March 1811, certain acts of the parliament of Ireland, for the improvement of the City of Dublin, by making wide and convenient Passages through the same, and for regulating the Coal Trade thereof, and for other purposes.

73. An act to grant to his majesty Duties upon Spirits made or distilled in Ireland, and upon British Spirits imported into Ireland, and upon Licences to sell Spirituous Liquors in Ireland in quantities not less than two gallons.

74. An act to continue until the 5th day of July 1810 several acts for granting certain Rates and Duties, and for allowing certain Drawbacks and Bounties on Goods, Wares, and Merchandize, imported into and exported from Ireland.

75. An act to provide for the better collection of the Duties and Taxes on Carriages, Servants, Horses, and Dogs, in Ireland.

76. An act for vesting in the Lord Lieutenant of Ireland, by advice of the Privy Council, the power of prohibiting the exportation and carrying coastwise of Gunpowder, Saltpetre, Arms, Ammunition, and Naval Stores.

77. An act to amend the several acts for securing the Duties on Paper made in Ireland.

78. An act for raising the sum of 1,250,000*l.*, by way of Annuities and Treasury Bills for the service of Ireland.

79. An act for raising the sum of 500,000*l.*, by Treasury Bills for the service of Ireland for the year 1809.

80. An act for allowing Dealers to roast their own Coffee on certain conditions.

81. An act to amend several Laws of Excise relating to Paper, Silks, and Salt, and for authorizing the seizure of Utensils in cases where vessels used in Excise Manufactories are subject to Forfeiture.

82. An act to amend several acts passed in the last and present sessions of parliament relating to the Local Militia.

83. An act for the amendment of the laws now in force in Ireland, relative to persons entering into Recognizances in Criminal Cases, in custody under any fine, or under such recognizance.

84. An act for amending the Irish Road Acts.

85. An act for defraying, until the 25th day of March 1810, the Charge of the Pay and Clothing of the Militia of Ireland; for holding Courts Martial on serjeant-majors, serjeants, corporals, and drummers, for offences committed during the time such militia shall not be embodied; and for making Allowances, in certain cases, to subaltern officers of the said militia during peace.

86. An act to make Provision, in certain cases, for the wives and families of ballotted men, substitutes, and volunteers, serving in the militia of Ireland.

87. An act for defraying the Charge of the Pay and Clothing of the militia and local militia in Great Britain for the year 1809.

88. An act for making Allowances, in certain cases, to subaltern officers of the militia in Great Britain, while disembodied.

89. An act to revive and continue until the 25th day of March 1810, and amend so much

of an act made in the 39th and 40th year of his present majesty, as grants certain Allowances to adjutants and serjeant-majors of the militia of England, disembodied under an act of the same session of parliament.

90. An act for providing Relief for the Wives and Families of the Militia-men in Scotland, when called into actual service.

91. An act to empower the Judges to try Civil Causes in their own counties in England.

92. An act for charging the sum of 11,000,000*l.* raised for the service of Great Britain for the year 1809, and the sum of 7,932,100*l.* in Exchequer Bills, funded, pursuant to an act of this session of parliament, upon the duties granted to his majesty during the continuance of the present war, and for certain periods after the ratification of a definitive treaty of peace.

93. An act to enable the commissioners of his majesty's Treasury to issue Exchequer Bills, on the credit of such aids or supplies as have been or shall be granted by parliament for the service of Great Britain, for the year 1809.

94. An act for granting to his majesty a Sum of Money, to be raised by Lotteries.

95. An act for further regulating the Constitution of the Board of Commissioners for auditing the Public Accounts.

96. An act to provide for a durable Allowance of Superannuation to the Officers of Excise, under certain restrictions.

97. An act for empowering the Board of Ordnance to exchange Lands at Purfleet, in the county of Essex, for other lands in the said parish.

98. An act for repealing the several Duties of Customs chargeable in Great Britain, and for granting other duties in lieu thereof.

99. An act to amend the several acts for the regulating and securing the collection of the Duties on Spirits distilled in Ireland, and for the regulating the sale of such liquors by retail.

100. An act to amend the several acts for securing the collection of the Duties on Auctions in Ireland.

101. An act to regulate the Fees payable by persons charged with treason, felony, and all other offences, at assizes and quarter-sessions in Ireland; and for amending an act of the parliament of Ireland, made in the 36th year of his present majesty, relating thereto.

102. An act to appoint commissioners to enquire and examine, until the 1st day of August 1811, into the nature and extent of the several Bogs in Ireland, and the practicability of draining and cultivating them, and the best means of effecting the same.

103. An act to amend an act, made in the last session of parliament, for making Provision for the building and rebuilding of Churches, Chapels, and Glebe Houses in Ireland.

104. An act to amend several acts, made in the parliament of Ireland, for granting Life Annuities with benefit of survivorship.

105. An act to continue, until the 25th day of March 1810, an act of this present session of parliament, to suspend the importation of British or Irish made Spirits into Great Britain or Ireland respectively.

106. An act for allowing further Time for taking Goods out of Warehouse, and paying duties thereon.

107. An act for the more effectual Recovery of Penalties and Forfeitures, incurred in the British colonies and plantations in America.

108. An act to amend the several acts respecting the Payment of Wages and Prize-money, and Allotment of Wages, to persons serving in his majesty's royal navy.

109. An act to repeal several acts respecting the Woollen Manufacture; and to amend other acts relating to the said Manufacture; and for allowing persons employed in any branch of the Woollen Manufacture to set up trade in any place in Great Britain.

110. An act to rectify a mistake in an act, made in this session of parliament, for continuing and making perpetual several Duties of One Shilling and Six-pence on offices and employments.

111. An act to continue, until the 25th day of March 1811, an act of the 45th year of his present majesty, for appointing Commissioners to enquire into the public expenditure, and the conduct of the public business in the Military Departments therein mentioned.

112. An act to amend an act, passed in the forty-fourth year of his present majesty, to provide for the Defence of the Realm, with respect to the purchase of lands and hereditaments for the public service.

113. An act for better regulating the office of Agent General for Volunteers and Local Militia.

114. An act for enabling his majesty to raise the sum of 3,000,000*l.* for the service of Great Britain.

115. An act for the Relief of certain Insolvent Debtors in England.

116. An act to make further provision for the execution of the several acts relating to the revenues, matters, and things, under the management of the Commissioners of Customs and Port Duties, and of the Commissioners of Inland Excise and Taxes, in Ireland.

117. An act for lowering the Duty of Excise on Coffee, of the growth of his majesty's dominions in Africa.

118. An act for better securing the Independence and Purity of Parliament, by preventing the procuring or obtaining of Seats in Parliament by corrupt practices.

119. An act to give to the persons named by his majesty, pursuant to an act, passed in the last session of parliament, intituled, 'An Act concerning the Administration of Justice in Scotland, and concerning Appeals to the House of Lords,' further Time for making their Report or Reports.

120. An act for amending and reducing into one act of parliament the several Laws for raising and training the Militia of Ireland.

121. An act to alter and amend the Laws relating to Bankrupts.
122. An act for preventing Frauds and Depredations committed on merchants, shipowners, and underwriters, by Boatmen and others; and also for remedying certain defects relative to the adjustment of Salvage in England, under an act made in the 12th year of queen Anne.
123. An act to explain and amend an act, made in the 45th year of his present majesty, for the Encouragement of Seamen, and for the better and more effectually manning his majesty's Navy during the present war; and for the further Encouragement of Seamen, and for the better and more effectually providing for the interest of the Royal Hospital for Seamen at Greenwich, and the Royal Hospital for Soldiers at Chelsea; and to extend the provisions of the said act to cases arising in consequence of hostilities commenced since the passing of the said act.
124. An act for altering, amending, and explaining certain acts relative to the Removal of the Poor, and for making regulations in certain cases touching the examination of Paupers as to their Settlement; and for extending to all parishes certain Rules and Orders in Workhouses, under an act of the 22d year of his present majesty, intituled, 'An Act for the better Relief and Employment of the Poor.'
125. An act to amend an act, made in the 33d year of his present majesty, for the Encouragement and Relief of Friendly Societies.
126. An act for the further Prevention of the Sale and Brokerage of Offices.
127. An act for further augmenting the Salaries of certain of the Judges of the Courts in Westminster Hall, and of the Chief and Second Justice of Chester, and Justices of the Great Sessions in Wales.
128. An act for granting to his majesty certain Sums of Money out of the Consolidated Fund of Great Britain, and for applying certain monies therein mentioned for the service of the year 1809; and for further appropriating the Supplies granted in this session of parliament.
129. An act to prevent the enlisting of Local Militia-men into the regular Militia of any other county or stewartry than the county or stewartry to which they belong.

The Substance of a Speech delivered by Joseph Marryat, Esq. in the House of Commons, May 15, 1809, upon the Second Reading of the Martinique Trade Bill.

Since our Report of Mr. Marryat's Speech, as given at p. 581, we have been favoured with the following authentic Copy of the said Speech.

Mr. Marryat rose and spoke as follows:

Mr. Speaker,—When this bill was read for the first time, I could not help expressing my surprise, that a measure unsupported by a single precedent, and, as the language of the Bill itself admits, contrary to all the laws, customs, and usages established in similar cases, by the wisdom of our ancestors, should be recommended to parliament on the ground of an alledged expediency; without any attempt whatever to prove that expediency being made, and without any of the parties whose interests are involved in this projected innovation, having been previously consulted. I also stated, shortly, my reasons for thinking that this measure, which I was aware had been suggested to his majesty's ministers by the Committee of West India planters and merchants, could be productive of no possible advantage to them, while it would be highly injurious to the Sugar Refiners, and unjust to the inhabitants of Martinique.

If the first of these propositions only could be maintained, it would not be a sufficient ground for rejecting this Bill; for I know of no objection to complying even with the prejudices of any body of men, provided those prejudices are innocent prejudices: but if it can be shewn, that complying with those prejudices would be injurious to the interests of others, and a violation of good faith on the part of the British nation, then I am persuaded that this Bill will no longer receive that official support from his majesty's ministers, under the sanction of which it has been presented to this house.

With respect to the interests of the West India Planters, I conten , that as in consequence of the capture of the island of Martinique, the sugars of that colony must find their way to Europe, all the mischief that can be done to the British Planters by that conquest, has been done; that it is now perfectly immaterial to them, whether these sugars are brought in neutral vessels to the foreign ports of the conti-

tinent, or in British vessels to the ports of Great Britain: and in the latter case, that it is equally immaterial, whether they are brought here for exportation or home consumption.

When I say that all the mischief that can be done to the British Planters has been done, I mean to cast no reflection on the policy which dictated the capture of Martinique; for if the conquest of that colony were desirable, either as extending the carrying trade, or opening a new market for the manufactures of Great Britain; as depriving the enemy of a cruising station, peculiarly favourable to the annoyance of our commerce by his privateers, and of the finest harbour in the West Indies, which had long seryed as an asylum to his flying squadrons; as giving us possession of an important colony, on which Buonaparte probably sets more than common value, either to be retained at a peace, or restored for some valuable equivalent; as placing within our power the patrimonial estate of Madame Buonaparte, with many of her relatives, and perhaps in consequence facilitating some arrangement, that may put an end to the captivity of our countrymen so long detained in France; if, I say, from any of these considerations, or others which may have suggested themselves to the minds of his majesty's ministers, they were induced to undertake this enterprize, I must admit that an object of such great national advantage, ought not to be abandoned from a regard to the interests of any particular class of individuals. But I must also contend, that, where the interests of any class of men are injured by measures adopted for the general good, that class of men has a strong, nay, an unanswerable claim upon the legislature for relief. Whether the capture of Martinique, by bringing a new influx of sugars into the European market, will again plunge the British West India Planters into that distress from which they are just emerging, depends upon political events which it is impossible to foresee. But should it produce that effect, I put in my claim to the justice and liberality of the legislature, and I will not weaken that claim by accepting as a boon what is in fact no boon: I will not sacrifice substantial for imaginary advantages, nor lose the substance by grasping at the shadow.

As in the part which I am about to take on this occasion, I have the misfortune to differ in opinion with many of the gentlemen with whom I generally act, I think it right to guard against any misconstructions that may be put on my conduct. No man who is acquainted with my situation in life, can for a moment suspect me of harbouring any feelings inimical to the interests of the British West India Planters. On the contrary my interests are bound up in theirs; for the greatest part of my property is invested in securities in the British West India colonies. It is true that I have also connections both at Martinique and at Guadaloupe; but in point of extent they bear no proportion to my other concerns. As far, therefore, as interest may be supposed to operate on the human mind, the British Planters have an unquestionable pledge of my sincerity in their cause. It happens fortunately for my consistency too, that so long ago as the year 1792, I published the very same doctrines that I am now about to maintain; in proof of which I beg leave to read the following passage from a pamphlet respecting the sugar trade, written at that period.

'It is granted that when charters were 'first given to encourage the settlement of 'the British islands, and during the infancy 'of their establishment, it was an expedient 'and necessary encouragement, to secure 'to them the exclusive supply of the British 'market, by imposing such duties on foreign 'sugars as should amount to a prohibition. 'But now that their produce is more than 'adequate to the consumption of the mo- 'ther country, so that one third part of it 'must be re-exported, and the price it will 'fetch in foreign markets must necessarily 'regulate the price of what is sold here, it 'is evident that this restriction can no 'longer be of use to them; that not Great 'Britain alone, but Europe is the market 'for sugars the British Planter has to look 'up to; and that the demand from abroad 'must increase, in proportion to the in- 'creased quantity, that diverted from their 'markets, finds its way to ours, so as to 'keep the universal price at one common 'level.'

The charge of inconsistency, therefore, cannot justly be brought against me; but how some of my West India friends will rescue themselves from this imputation, I am at a loss to imagine; for the great mass of evidence given by these very gentlemen, before the various Committees of this house, which have been appointed to report upon West India subjects within

these few years past, goes to establish the proposition for which I contend, and which they now mean to oppose; namely that it is the quantity of sugar brought to Europe, that governs the price of the commodity in Great Britain. In the evidence given before the Commercial Committee in 1807, this truth is laid down as an axiom: and the distress of the British Planters is justly attributed to the quantity of sugar brought to Europe from the enemy's colonies, in neutral ships. Now we are to be told, that it is not the bringing sugars to Europe, but the bringing them into the home consumption of Great Britain that is injurious to the interests of the British Planter. I shall not read the evidence given by any of the gentlemen whom I see in their places, because I am unwilling to put my friends to the blush; and therefore I shall confine myself to the testimony of a gentleman, not a member of this House, but who stands high in the estimation of all those who know him, both for talents, and for his application of those talents: a gentleman who thinks justly, and thinks deeply. I mean Mr. Bosanquet. On being asked, 'to what 'causes do you principally impute the in-'adequacy of the returns since 1801?' he gives the following answer; 'I attri-'bute it to an excess of importation beyond 'the home consumption, which has ren-'dered the sale of the grower's produce 'dependent on exportation, not only for 'the consumption of the quantity, but also 'for the price, which I conceive to be 'formed on a standard inadequate to his 'expences. I mean the market price on 'the Continent; which market can be, 'and is supplied with sugar, at a cheaper 'rate than it can be grown by the British 'Planter; and according to the axiom, 'that the price of a commodity will en-'tirely depend upon the price at which 'the surplus can be sold, it is obvious that 'the market price at home, has, ever since 'the importation materially exceeded the 'home consumption, been governed by the 'price on the Continent.' These opinions, Sir, so far from being controverted, are confirmed by the concurrent testimony of every gentleman connected with the West Indies, who was then examined to the same point.

The House may naturally wonder how it happens, that gentlemen should think so differently on the same subject, at different periods. I can only observe, that the sentiments they formerly delivered, were not given with a view to any particular circumstance likely to affect the home consumption, and may therefore be considered as the genuine unbiassed sentiments of their minds. The sentiments they will now deliver, are framed with a view to a particular circumstance likely to affect the home consumption, and may perhaps have received a bias from that circumstance.

Perhaps there are few classes of men altogether free from certain prejudices, on points connected with their own interests. We are all apt to receive opinions into our minds, without due examination; to take them as it were upon trust, particularly when they come to us with a sort of hereditary sanction; and thus it is that prejudices sometimes acquire the force of principles. Men are so sensibly alive to their own interests, that if a measure is proposed which they know can do them no good, and fancy that it may by any possibility, however remote, do them harm, they will scarcely allow themselves to give it a fair and impartial discussion. An impression of this sort was lately very liberally got the better of by the landed interest, who consented to the substitution of sugar for grain in the distilleries; though some few gentlemen contended to the last for the principle, that the agriculture of the country ought never to be interfered with under any possible circumstances. This principle, however, as it was termed, could not be maintained: for the real principle of all the corn laws, is founded upon an interference with the agriculture of the country, and sanctions the importation of foreign corn, whenever the price of British corn exceeds certain limits. It was, therefore, in strict conformity to that principle, that we resorted to substitution, when the means of importation were no longer within our power; and, I trust, Sir, that in future, whenever our own growth of corn is insufficient for our consumption, we shall give our fellow subjects the preference over foreigners; and, if the situation of the West India Planter requires it, that instead of importing, we shall continue to substitute. The West India Planters, are now, in their turn, contending for the principle, as they call it, of the monopoly of the home consumption of Great Britain; but this principle has never been recognised to the extent to which they would push it; for the produce of the conquered colonies has uniformly been admitted into home consumption. Even

if this principle were acknowledged, it would be of no use to them in the present state of things, as I trust I shall shortly satisfy the House; and I must say, that it is with a peculiar ill grace that they attempt to maintain prejudices of their own, at the very moment when they are reaping the most substantial advantages from having overcome the prejudices of others.

The propositions which I shall endeavour to establish, are these: that the exclusion of the produce of Martinique would be of no benefit whatever to the British Planter; that this exclusion would be highly injurious to the British Sugar Refiner; that it would be unjust to the inhabitants of Martinique: and a violation of honour and good faith on the part of the British Government.

I have already granted, Sir, that in the infancy of the British West India settlements, the monopoly of the home consumption of the mother country was a most valuable privilege of the Planter: but the advantages of this monopoly having been felt and acknowledged by our predecessors, we retain the same ideas of its importance as were justly impressed upon their minds, without adverting to the change of circumstances that has taken place since their days. For many years past, the cultivation of the British West India colonies has been so much extended, that the consumption of the mother country has been insufficient to take off their produce; and a considerable proportion of their sugars has necessarily been re-exported. In this state of things, it is not Great Britain alone, but Europe at large, that the British Planter must consider as his market: While sugar is dear upon the Continent, it never can long continue to be cheap in Great Britain; nor when it is cheap upon the Continent, can it long be dear in Great Britain; for the price which the surplus will produce for exportation, regulates the price of what is sold for home consumption. If the British market is depressed below the standard of the Continental markets, the foreign buyer finds it his interest to purchase, and continues so to do as long as it will afford him a profit on exportation. When this competition ceases, as the importation exceeds the home consumption, the stock accumulates; and as the value of every commodity depends on the proportion which the supply bears to the demand, the price falls, till it becomes the interest of the foreign buyer to purchase as before. Perhaps the action and re-action of the British and Continental markets on each other, may be best illustrated by a familiar example. Many gentlemen who hear me, have doubtless occasionally been at some of the watering places on the coast of Kent or Sussex, and may have observed, that when the fishing boats belonging to those places have a favourable wind for getting up to London, fish is very scarce and dear; but that when the wind is contrary, and they cannot get up to London, fish is cheap and abundant. The London market is to those places with respect to fish, just what the Continental market is to Great Britain with respect to sugars. When there is a demand for the Continent, sugar uniformly becomes dear and scarce in Great Britain; when there is none, it becomes cheap and abundant: and all the fluctuations in the price of British plantation sugar sold for home consumption are occasioned by the demand, or want of demand for exportation.

I may state, in farther proof of this proposition, that the value of foreign sugars brought to Great Britain for exportation, is, generally speaking, precisely the same as that of British plantation sugar imported for home consumption, with the difference of duty only. Within my memory, I have known but one exception to this general rule; and that is one of those exceptions which do not weaken, but confirm it. After the Act was passed last year substituting the use of sugar for that of corn in the distilleries, British plantation sugar became 10*s.* per cwt. dearer than foreign sugar, exclusive of the duty; for it was then thought, that the distilleries and the home consumption would consume all the British plantation sugar, and leave the Planters independent of the foreign market. But this expectation has since proved fallacious; more than 40,000 hogsheads still remain in the West India Docks, now that the new crop is on the eve of arrival; and the disclosure of this fact, together with the capture of Martinique, has occasioned a fall in the price of British plantation sugar of from 12 to 14*s.* per cwt. The value of foreign sugars, on the contrary, has remained nearly stationary, and the prices of both are again restored to their usual equilibrium, now that the dependence of the British Planter upon exportation is clearly ascertained. If the arguments I have before adduced, fail in convincing those who hear me, this fact establishes the truth of the proposition for

which I contend, beyond all possibility of contradiction.

I admit, Sir, that if his Majesty's Ministers, at the commencement of the present war, had adopted the plan of excluding the produce of all the conquered colonies from British consumption, they would have given a most important advantage to the British Planter; because the home consumption and the distilleries would, in that case, have rendered him independent of the foreign market. But we have captured French settlements, Dutch settlements, Danish settlements, and have admitted the whole of the produce to home consumption, to an extent that now puts this independence entirely out of the question; as will appear by adverting to the amount of our exports. In 1807 we exported 95,000 hogsheads of sugar; in 1808 we exported about 50,000, and had also the benefit of the distilleries; notwithstanding which a surplus of 40,000 hogsheads remains on hand. As therefore it is now impossible to prevent our dependence on the foreign market, and the sugars of Martinique must at all events come to Europe, the excluding them alone fom home consumption would be of no advantage whatever to the British Planter.

I farther admit, that if a total stop could be put to the exportation of sugar, any addition to the quantity imported for home consumption would affect the price, and prejudice the interests of the British Planter; and this is the only case that I can figure to my imagination, in which the admission of the Martinique sugars in the accustomed mode could be made the subject of a reasonable objection. But experience has now so clearly demonstrated the inefficacy of the decrees of Buonaparté, to prevent our commercial communication with the Continent, that I consider this as an impossible case; and surely the Legislature will not think of providing against impossible cases, and overlooking those which actually exist.

But however fallacious the idea may be, of the British Planter deriving any advantage from the exclusion of the Martinique sugars from the home consumption of Great Britain, there are other parties, and parties too whose interests have strong claims to the attention of the Legislature, to whom this measure is pregnant with the most serious injury. I shall mention in the first place the Sugar Refiners of Great Britain. An Act was lately passed, permitting the exportation of refined sugar in a crushed state, so as to imitate the French clayed sugars; and nearly two-thirds of the whole quantity of refined sugar exported during the last year has been of that description: but if the clayed sugars of Martinique are imported for exportation alone, they will supply the place of these crushed lumps on the Continent, and the British plantation sugars, from which they are now made, will necessarily be left a dead weight upon the home market. Now I cannot really comprehend how the price of sugar would be more depressed, by bring these clayed sugars into the home market, than by leaving those raw sugars upon the market, which are now manufactured in imitation of them, and exported.

The clayed sugars of Martinique are peculiarly calculated for making a certain description of refined sugar, known by the name of Hambro' loaves; which circulate all over the Continent with the greater facility in the present state of things, from being made in such moulds as are used at Hambro,' and it being therefore impossible to distinguish them from the goods of the Foreign Refiners. If then we send away the Martinique clayed sugars, we send away this branch of the manufacture also, from the British Refiners, to the Foreign Refiners.

The three principal descriptions of refined sugar now exported, are the crushed lumps, the Hambro' loaves, and the double refined loaves; the two former being four-fifths of the whole quantity. If we export all the Martinique clayed sugars, they will supersede the demand for the crushed lumps, as foreigners will prefer the originals to the copies; and they will also supersede the demand for the Hambro' loaves, as we shall give the Foreign Refiners the exclusive right of using the choicest and best materials from which they can be manufactured. Thus the export trade of the British Sugar Refiner, will be reduced to one-fifth of its actual amount, by the operation of this Bill; and nearly one-third of the refineries at present at work in this metropolis, will be thrown out of employment.

It may here be proper to say a few words on the value and importance of the sugar refinery to this country. The buildings and utensils employed in that manufactory occupy a capital of about two millions of money; exclusive of a much larger capital necessary for carrying it on. The annual expenditure of the Sugar Re-

finers amounts to about one million, and perhaps scarcely any million of money is expended by any set of men, in a manner so beneficial to this country; it being principally expended in giving value to the produce of our mines—coals, lead, iron, and copper; and in furnishing employment to a great number of artificers, manufactures, and workmen, of various descriptions. Some idea may be formed of the employment furnished to the potteries by the Refiners, when I state that 80,000 pots and moulds may be found in a single sugar house in this metropolis; and that a very large proportion of the whole quantity in use is annually consumed by breakage. This manufactory possesses an advantage of which few can boast; that both the raw material it works up, and all the articles used in carrying it on, are the growth, produce, and manufacture, either of Great Britain or her colonies: so that the whole amount of the exports made by the Sugar Refiners to foreign markets, is a contribution levied upon foreigners by British industry, and an accession to British wealth.

Is it possible that his Majesty's Ministers can contemplate this picture, and seriously resolve to destroy this valuable manufacture? Can they deem it consistent with sound policy, to drive the Refiners to the extremity of transporting themselves, their capital, and their industry, to foreign countries, as must be the case, if they deprive them of their accustomed employment here, by giving that encouragement to the foreign refineries, which they ought to secure to our own?

With respect to the gentlemen connected with the British West India colonies, who urge his Majesty's Ministers to this rash step, men too, in other respects, of intelligent and enlarged minds, I am really astonished at their contracted notions in this particular case. They are, I believe, the first set of men who ever devised, as a contrivance for raising the value of a raw commodity, the ruin of those by whom it is manufactured. Can any idea more erroneous, I must say, more preposterous, be possibly conceived? They remind me of the short-sighted policy of the man in the fable, who killed the goose that laid the golden eggs.

In another point of view, the exporting the clayed sugars of Martinique to the Continent, instead of refining them here for exportation, will be a great national loss; for by refining these sugars, we add very materially to their value. The balance of exchange is now so much against Great Britain, that the guinea is not worth more than 17*s.* on any part of the Continent; and Government feels this depreciation very heavily in the purchase of every article of naval stores procured from the Baltic, as well as in the bills necessarily drawn for subsidies to our foreign allies, and for the maintenance of our armies on foreign service. When the alternative is laid before us, either to diminish or increase this evil, by diminishing or increasing the value of our exports, can we hesitate how to decide?

The inhabitants of Martinique are also parties to this cause, and have a right to be considered in this discussion. I am aware it may be said, that the privilege of having their produce admitted to the home consumption of Great Britain, can be an object of no consequence to them, if the price of sugar be just the same, whether it be sold for exportation or home consumption. But, I would ask, are men influenced by pecuniary considerations alone? Have they no feelings of any other description? Even in the most trifling cases, no man is satisfied to be put on a worse footing than his neighbour. If he does not feel a distinction made to his disadvantage as an injury, he considers it as an insult, and resents it still more strongly. Can it be expected that the inhabitants of Martinique will contentedly endure, that while the produce of every other West India colony conquered by Great Britain during the present war, is admitted to her home consumption, their produce alone should be excluded? Will they not ask what they have done, that, like Cain, they should be branded with a mark of opprobrium, and treated as a stigmatised race? But unfortunately for the effect that this measure may be expected to produce upon their minds, it so happened, that when the island was captured, that temporary difference between the price of sugar for home consumption and exportation, to which I have already adverted, did exist; and therefore they will consider the distinction, not as an imaginary, but as a real grievance. Besides, they will naturally be led to conclude, from the strenuous opposition made by the British Planters to the admission of their sugars for home consumption, that the object is worth contending for; and

therefore this argument cuts both ways. The claim of the inhabitants at Martinique to the privilege of which this Bill would deprive them, might safely be rested on the ground of established law, custom, and usage, all which are uniformly in their favour; for innovations ought not to be lightly adopted, and the *onus probandi*, the proof of the policy or necessity of such innovations, rests upon those by whom they are proposed.

But the claim of the inhabitants of Martinique stands upon a still firmer foundation; on the good faith and honour of the British Government. In stating this part of their case, it will be necessary to give some little detail of the expedition against Martinique. The reports that at one time prevailed here, of the enterprise having been abandoned, appear to have been perfectly true; for Admiral Sir Alexander Cochrane commences his official letter of February 4th, to the Admiralty, in the following words: 'Having on the 20th of January received a 'letter from Lieutenant-General Beckwith, informing me that, *in consequence of 'some alteration of circumstances, he was induced to proceed on the attack of Martinique*, and expressing a wish to see me 'at Barbadoes, in order to make the final 'arrangements, I lost no time in meeting 'him there for that purpose." What the alteration of circumstances was, that induced the Commander in Chief to proceed on the attack of Martinique, we are not officially told. It certainly was not the arrival of any reinforcements to co-operate in the enterprise; but the diminution of the enemy's force, would produce just the same effect as an addition to our own force; and report says, that a communication had taken place with some of the leading inhabitants of Martinique, which led to an understanding that the militia of the island, consisting of 6,000 effective and well-disciplined troops, perfectly inured to that climate, would take no part in opposing our operations. This may reasonably be supposed to have been the alteration of circumstances that induced the Commander in Chief to proceed on the attack of Martinique. What assurances were held out to the inhabitants, in order to bring them to this determination, we can only judge from the proclamation upon the table; which is addressed to them exclusively, and was probably framed in conformity to the assurances previously given. I beg the attention of the House to the language of this proclamation, which appears to have been prepared at Barbadoes; for although it is dated at head-quarters, the 30th of January, the day of the debarkation, we cannot suppose that printing presses, and the other materials necessary for issuing it, could be found either on the beach, or among the cane fields of Martinique. It runs thus:

'Colonists and inhabitants of Martinique; his Majesty, yielding to impe'rious circumstances, replaced you under 'the power which then ruled France. 'His Majesty, deceived in the hope that 'the prosperity arising among you from 'his Government would have been pro'moted by your new masters, has deeply 'lamented the unfortunate circumstances 'to which the events of war, or rather 'the total want of all respect for property, 'has reduced your colony. But the ter'mination of your misfortunes is at length 'arrived; famine will disappear; the '*sources of your prosperity will be renewed; 'your ancient laws shall be restored; and 'that Government, the protector of persons 'and properties, to which you were subject 'under the British flag, shall be re-established 'in the colony.* It is with these intentions, 'that his Majesty has entrusted to us the 'command of a formidable military and 'naval force, in order to retake Martinique, and to restore to that suffering 'colony abundance and tranquillity, the 'inseparable attendants of a just and pro'tecting Government. In conformity with 'these beneficent dispositions, we invite 'you, in the name of humanity, forthwith 'to submit to the forces of his Majesty, 'which will not fail to punish the rashness 'of an ineffectual resistance. We order, 'that all the civil and military commissaries do immediately resign their func'tions. That every inhabitant, of what'ever rank or condition, do retire quietly 'to his home, there to maintain order. 'We declare that every colonist or inha'bitant who shall be taken with arms in 'his hands, shall be treated as a prisoner of 'war. That every free person of colour 'taken with arms in his hands, shall be 'sent out of the island; and that every 'slave so taken, shall be subject to be 'tried by a military tribunal. Ministers 'of Divine worship, your religion shall be 'protected; and the property and rights 'of the church shall be respected.

'Given at head-quarters, this 30th day 'of January, 1809. '*Geo. Beckwith,*

'*Alex. Cochrane.*'

This proclamation immediately produced the expected, or I should rather say, the preconcerted effect; for General Beckwith, in his official letter of February 1st, writes, 'Hitherto we have experienced 'no resistance from the militia of the 'country; and they manifest a disposition, every where, to return to their 'homes, in conformity to a joint proclamation by the Admiral and myself, 'which is obtaining a very extensive 'circulation:' and Admiral Cochrane concludes his official letter of Feb. 4, in the following words: 'The militia, who were 'forced to serve, have returned to their 'homes.' On the 8th of February, a detachment of the 63d regiment (consisting of only 200 men) was sent to take possession of St. Pierre, the capital of Martinique, defended by strong forts and batteries, containing a population of more than 20,000 inhabitants, and comprising among them the major part of the embodied militia. Major O'Rourke, the British Commanding Officer, advanced against this place, not with a battering train of heavy artillery, but with the following letter from General Maitland, addressed to the Commandant of St. Pierre, who happened to be also the Commanding Officer of the militia of the island.

'Camp, La Coste, Feb. 8, 1809.

'Sir; Lieutenant-Colonel Barnes, who 'commands a brigade in the army, under 'the command of Lieutenant-General 'Beckwith, proceeds to St. Pierre, to 'take possession of the town in the name 'of his Britannic Majesty. I therefore 'summon you to surrender the forts and 'batteries to the troops under his command, being part of my division. Inclosed is a proclamation, issued by the 'Commanders in Chief. This proclamation is the basis upon which you are 'expected to capitulate; but the detailed 'conditions can only be explained when 'the capitulation takes place, at the surrender of the fort besieged. In the 'mean time, I require, by order of the 'Commander in Chief, that you receive 'the troops sent; and that you observe a 'faithful and loyal conduct towards the 'British army; and this I demand, under 'pain, in case of refusal, of severe measures being taken against you.

'I have the honour to be, &c.

'Fred. Maitland.'

Immediately on this letter and proclamation being read, the inhabitants capitulated; and the 4th Article of this capitulation runs thus:—'The inhabitants and 'people of all descriptions to conduct 'themselves peaceably, and in conformity 'to the orders and regulations of the Commandant *ad interim*, under a full assurance that their private property will be 'protected, and their true interests considered, by the respective Commanders 'in Chief by sea and by land of his Britannic Majesty's forces, in their definitive 'regulations, founded on the basis of the 'proclamation already published.' On the 24th of February, the garrison of Fort Bourbon, being thus left to themselves, also surrendered; and the conquest of the island was complete. The capitulation made by the Governor contains very few stipulations respecting the inhabitants. Indeed he must have been well aware, that they had stipulated for themselves: he merely therefore proposed, that the laws, religion, and the administration of justice, should continue in their present state, which was granted, subject to such alteration as his Britannic Majesty might think necessary. This reservation, however, can be no bar to the claims of the inhabitants. They were no parties to this capitulation: they had made a separate capitulation for themselves, founded on the basis of the proclamation which had been addressed to them exclusively; and on which they now stand, as their Magna Charta, and Bill of Rights. This proclamation assures them, that the sources of their prosperity will be renewed; that their ancient laws shall be restored; and that Government, to which they were subject under the British flag, shall be re-established in the colony. If there be any meaning in words, these words convey a general assurance, that they would be replaced in that situation in which they before stood, while under the British Government.

The Commanding Officers of his Majesty's forces seem to have been placed in rather a delicate and embarrassing situation. They were instructed to capture the island of Martinique: they were also instructed, not to consent to the insertion of any article in the capitulation, which bound his Majesty's Government to admit the produce of Martinique into the home consumption of Great Britain. They seem to have felt that the conquest of the island was not attainable with the force under their command, if they were to be opposed by the combined force of the inhabitants

and the garrison; but that it was attainable, if the inhabitants could be separated from the garrison. Either to have abandoned this enterprise, or to have failed in it, would have been disgraceful to the British arms, and a triumph to the enemy. Under these circumstances, they would naturally consider the conquest of the island as the great object; the restrictions to be imposed upon the produce of it, as a subordinate object; and that if both were incompatible, the latter ought to give way to the former. On this principle, we may account for the tenor of the proclamation: and I think that in issuing it, they acted wisely; availing themselves of that discretionary power which all officers are at times under the necessity of exercising, in such manner as they judged best calculated to promote the interests of their country.

Of the effect produced by this proclamation on the minds of the inhabitants of Martinique, and the corresponding effect produced on their conduct by the expectations to which it gave rise, no doubt can be entertained. The official dispatches of our Commanding Officers prove that they performed all the conditions required of them: that they retired to their respective homes, and conducted themselves peaceably. They now call upon us to fulfil our part of the covenant; and to make good the promises, on the faith of which they have put themselves into our power. In deciding upon their claim, we are bound to interpret this proclamation in the most liberal sense; according to the established rule in every capitulation, that where doubts arise as to the meaning of any article, it shall be interpreted in the most favourable manner for the weaker party. I am entitled, therefore, to state the question thus: If our Commanding Officers had candidly told the inhabitants of Martinique, that they were instructed to exclude their produce from the home consumption of Great Britain, would they have acted as they have now done? And unless that can be shewn to be the case, if we deny them any of the advantages which that proclamation taught them to expect, we expose ourselves to the charge of insincerity and want of candour, and are furnishing a most formidable weapon against ourselves and our posterity, in case of future wars and future enterprises against the Colonies of France; for we are teaching their inhabitants, that no dependence ought to placed on the promises and assurances of British Commanding Officers. I might remind the House that, last war, we took Guadaloupe by the assistance of the inhabitants, and were driven out of it again, after a series of bloody and destructive conflicts, in consequence of having alienated their affections; but I will not make this a question of policy. I stand upon the good faith and honour of the British nation.

I know, Sir, that a memorial from the inhabitants of Martinique, praying his Majesty that they may be put on the same footing as last war, and that their produce may be admitted to home consumption, is in contemplation, and probably now on its way home. I know too, that this memorial has been promised the support of the Commanding Officer of his Majesty's forces, to whom they capitulated; and who must be allowed, from having all the circumstances of their case before him, to be the best judge of the validity of their pretensions. Would it be just, Sir, would it be decent, that, under these circumstances, we should thus precipitately prejudge the question, and deprive his Majesty of the power of doing justice? that we should deprive the inhabitants of Martinique, not only of the privilege which they claim under their capitulation, but of another most valuable privilege common to all British subjects—the privilege of being heard in their own defence? I cannot think, Sir, that this House will so act, I trust they will preserve the justice and good faith of the British nation inviolate: and from a regard to this most important of all considerations, as well as the other considerations to which I have already adverted, I shall move as an amendment to the present motion, that this Bill be read a second time this day three months.